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No. 96 **BILL.** 1909

An Act respecting Mortmain and the disposition of Land for Charitable Uses.

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Mortmain and Charitable Uses Act.*" R.S.O. 1897, c. 333, s. 1. Short title. Rev. Stat. c. 112.

Interpretation.

2.—(1) In this Act,

"Assurance."

(*a*) "Assurance" shall include a gift, conveyance, appointment, lease, transfer, settlement, mortgage, charge, incumbrance, devise, bequest and every other assurance by deed, will or other instrument; and "Assure" and "Assuror" shall have meanings corresponding with assurance;

"Will."

(*b*) "Will" shall include codicil;

"Land."

(*c*) "Land" shall include tenements and hereditaments corporeal and incorporeal of whatever tenure, but not money secured on land, or other personal estate arising from or connected with land;

"Full and valuable consideration." Imp. Acts 51-52 Vict. c. 42, s. 10; and 54-55 Vict. c. 73, s. 3.

(*d*) "Full and valuable consideration" shall include such a consideration either actually paid upon or before the making of the assurance, or reserved or made payable to the vendor or any other person by way of rent, rent charge, or other annual payment, in perpetuity, or for any term of years, or other period, with or without a right of re-entry for non-payment thereof, or partly paid and partly reserved, as aforesaid. R.S.O. 1897, c. 333, s. 2.

Charitable uses.

(2) The following shall be deemed to be charitable uses within the meaning of this Act:

(*a*) The relief of poverty;

(*b*) Education;

(*c*) The advancement of religion; and

(*d*) Any purpose beneficial to the community, not falling under the foregoing heads. (*See* 43 Eliz. c. 4, s. 1, *part*, and R.S.O. 1897, c. 333, s. 6.)

PART I.

MORTMAIN.

Forfeiture on unlawful assurance or acquisition in mortmain. Imp. Act 51-52 Vict. c. 42 s. 1.

3. Land shall not be assured to or for the benefit of, or acquired by or on behalf of any corporation in mortmain, otherwise than under the authority of a license from His Majesty, or of a statute for the time being in force, and if any land is so assured, otherwise than as aforesaid, the land shall be forfeited to His Majesty from the date of the assurance, and His Majesty may enter on and hold the land accordingly. R.S.O. 1897, c. 333, s. 3.

4. The Lieutenant-Governor in Council, if and when, and in such form as he thinks fit, may grant to any person or corporation a license to assure land in mortmain in perpetuity or otherwise, and may grant to any corporation a license to acquire land in mortmain, and to hold such land in perpetuity or otherwise. R.S.O. 1897, c. 333, s. 4. Power to Lieutenant-Governor to grant licenses in mortmain. Imp. Act 51-52 Vict. c. 42, s. 2.

5. No entry or holding by, or forfeiture to His Majesty under this Part, shall merge or extinguish, or otherwise affect, any rent or service which may be due in respect of any land to His Majesty. R.S.O. 1897, c. 333, s. 5. Saving for rents and services Imp. Act 51-52 Vict. c. 42, s. 3.

PART II.

CHARITABLE USES.

6. Save as herein otherwise provided, every assurance other than by will, of land or personal estate to be laid out in the purchase of land to or for the benefit of any charitable use shall be void unless made Conditions under which assurances may be made to charitable uses.

(*a*) To take effect in immediate possession for such charitable use,

(*b*) Without any power of revocation, reservation, condition or provision for the benefit of the assuror or of any person claiming under him, and

(*c*) At least six months before the death of the assuror, and if of stock in the public funds by transfer thereof in the public books kept for the transfer of stock at least six months before such death;

Provided that the assurance or any instrument forming part of the same transaction may contain all or any of the following conditions, so however that they reserve the same benefits to persons claiming under the assuror as to the assuror himself, namely; Proviso.

(i) The grant or reservation of a peppercorn or other nominal rent,

(ii) The grant or reservation of mines or minerals.

(iii) The grant or reservation of any easement,

(iv) Covenants or provisions as to the erection, repair position, or description of buildings, the formation or repair of streets or roads, or as to drainage or nuisances, and covenants or provisions of the like nature for the use and enjoyment as well of the land comprised in the assurance as of any other adjacent or neighbouring land,

(v) A right of entry on non-payment of any such rent or on breach of any such covenant or provision, or

(vi) Any stipulations of the like nature for the benefit of the assuror or of any person claiming under him; and

Proviso. Provided that nothing in this section contained shall apply to or affect any such assurance made for full and valuable consideration. R.S.O. 1897, c. 333, s. 7.

Land assured otherwise than by will to be sold within two years.

7.—(1) Subject to the provisions hereinafter contained, where land is assured otherwise than by will to or for the benefit of any charitable use the same shall notwithstanding anything contained in the deed or other instrument of assurance be sold within two years from the date of the assurance or within such extended period as may be determined by the High Court or a Judge thereof in Chambers.

(2) If the land is not sold within the two years or within such extended period it shall vest forthwith in the Accountant of the Supreme Court and subsection 2 of section 10 shall apply thereto.

(3) The High Court or a Judge thereof if satisfied that the land so assured is required for actual occupation for the purposes of the charity and not as an investment may by order sanction the retention of such land. (*New.*)

PART III.

EXEMPTIONS.

Definitions,

8.—(1) In this section

"Park." (*a*) "Public park" shall include any park, garden, or other land dedicated or to be dedicated to the recreation of the public;

"School." (*b*) "School" shall mean a school, or department of a school, at which education is given in literature, art, science or mathematics;

"School-house." (*c*) "School house" shall include the teacher's dwelling house, the playground (if any), and the offices and premises belonging to or required for a school;

"Public museum." (*d*) "Public museum" shall include buildings used, or to be used, for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical inventions, instruments, models or designs, and dedicated or to be dedicated to

the recreation of the public, together with any libraries, reading rooms, laboratories and other offices and premises used or to be used in connection therewith. R.S.O. 1897, c. 333, s. 8. Imp. Act, 51-52 V. c. 42, s. 6.

(2) Notwithstanding anything in this Act, land or personal estate to be laid out in the purchase of land may be assured for the following purposes, viz.: Assurances for a public park, school, or museum.

(*a*) For a public park.

(*b*) For a public museum.

(*c*) For a public library.

(*d*) For a school, or school house.

(3) Land assured for the purposes of a school or school house and not required for actual use and occupation for such purposes or the part thereof not so required shall be sold within two years from the date of the assurance or in the case of a will from the death of the testator or such extended period as may be determined by the High Court or a Judge thereof and the provisions of sections 10 (2), 12 and 13 shall apply. (*New.*) Land assured for school or school house and not in active use to be sold within two years.

9. Sections 3 and 6 shall not apply to the following assurances:— Assurances for certain universities, colleges and societies.

(*a*) An assurance of land or personal estate to be laid out in the purchase of land, to or in trust for any incorporated university, college or school in Ontario, or for the support and maintenance of the students thereat.

(*b*) An assurance, otherwise than by will, to trustees on behalf of any society or body of persons (incorporated or unincorporated) associated together for religious purposes, or for the promotion of education, art, literature, science or other like purposes, of land not exceeding two acres, for the erection thereon of a building for such purposes, or any of them, or whereon a building used or intended to be used for such purposes, or any of them, has been erected. R.S.O. 1897, c. 333, s. 9. Imp. Act, 51-52 V. c. 42, s. 7.

PART IV.

10.—(1) Land may be devised by will to or for the benefit of any charitable use, but, except in the cases provided for by sections 8 and 9 and except as herein otherwise provided, shall, notwithstanding anything in the will contained to the contrary, be sold within two years from the Land devised to charity to be sold.

death of the testator, or such extended period as may be determined by the High Court or a Judge thereof. R.S.O. 1897, c. 112, s. 4.

Where land remains unsold after expiration of two years.

(2) So soon as the two years or such extended period shall have expired without the completion of the sale of the land, the land shall vest forthwith in the Accountant of the Supreme Court; and the High Court shall cause the same to be sold, or the sale completed (as the case may be) with all reasonable speed by the administering trustees thereof for the time being; and for this purpose may make orders directing such trustees to proceed with the sale or completion of the sale of such land, or removing such trustees and appointing others, and may provide by any such order or otherwise for the payment of the proceeds of the sale to the trustees in trust for the charity, and for the payment of the costs and expenses incurred by them or otherwise in or connected with such sale and proceedings. R.S.O. 1897, c. 112, s. 5.

Personal estate directed to be laid out in land.

11. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of any charitable use, shall, except as hereinafter provided, be held to or for the benefit of the charitable use as though there had been no direction to lay it out in the purchase of land. R. S. O. 1897, c. 112, s. 6.

Power to retain land in certain cases.

12. The High Court, or a Judge thereof, if satisfied that land devised by will to or for the benefit of any charitable use, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the charity, and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land. R.S.O. 1897, c. 112, s. 7.

Exercise of jurisdicition of High Court.

13. The jurisdiction of the High Court under this Act may be exercised by a Judge in Chambers or otherwise, and in a summary manner so as to avoid all unnecessary expense. R.S.O. 1897, c. 112, s. 9.

PART V.

SUPPLEMENTAL.

Saving for existing licenses, etc.

14. Nothing in this Act shall apply so as to limit or restrict the right possessed by any corporation under any other Act, or affect any charter or license in force at the passing of this Act enabling land to be assured or held in mortmain. R.S.O. 1897, c. 333, s. 11.

SUMMARY REMEDY FOR BREACH OF CHARITABLE TRUST.

In cases of breach of a charitable trust, etc., a petition may be presented to the High Court of Justice, and the same shall be heard in a summary way, and order made therein.

15.—(1) In every case of a breach or supposed breach of any trust created for charitable purposes, or whenever the direction or order of a court shall be deemed necessary for the administration of any trust for charitable purposes, any two or more persons may present a petition to the High Court stating such complaint and praying such relief as the nature of the case may require, and the Court may hear such petition in a summary way, and upon such affidavits, or such other evidence as shall be produced upon such hearing, may determine the same, and make such order therein, and with respect to the costs of such application, as shall seem just; and any order so made shall be subject to appeal as if made in an action. (*See Imp. Act, 52 Geo. 3, c. 101, s. 1.*) R.S.O. 1897, c. 333, s. 12.

Petitions to be signed by petitioners, and certified by Attorney-General, etc.

(2) Every such petition shall be signed by the persons preferring the same in the presence of and shall be attested by their solicitor, and shall be submitted to, and may be allowed by the Attorney-General, and such allowance shall be certified by him before any such petition shall be presented. (*See Imp. Act, 52 Geo. 3, c. 101, s. 2.*) R.S.O. 1897, c. 333, s. 13.

Repeal.

16. Chapters 112 and 333 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

No. 96

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Mortmain and the Disposition of Land for Charitable Uses.

First Reading, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 97 **BILL.** 1909

An Act respecting Investments by Trustees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *'The Trustee Investment Act.''*

Interpretation.

2. In this Act,—

"Instrument."

(*a*) "Instrument'' shall include an Act of the Legislature of Ontario;

"Stock."

(*b*) "Stock'' shall include fully paid up shares;

"Trustee."

(*c*) "Trustee'' shall include an executor, an administrator and a trustee whose trust arises by construction or implication of law. R.S.O. 1897, c. 130, s. 3.

Additional powers given.

3. The powers conferred by this Act are in addition to the powers conferred by the instrument creating the trust; but nothing herein contained shall authorize a trustee to do anything which he is in express terms forbidden to do, or to omit to do anything which he is in express terms directed to do, by the instrument creating the trust. R.S.O. 1897, c. 130, s. 4.

Proviso.

Trustees or executors may invest trust moneys in certain securities.

4.—(1) A trustee having money in his hands, which it is his duty, or which it is in his discretion, to invest at interest, may invest the same in the stock, debentures or securities of the Dominion of Canada, or of Ontario or of any of the other Provinces of Canada or in debentures or securities the payment of which is guaranteed by the Dominion of Canada or by Ontario or by any of the other Provinces of Canada or in the debentures of any municipality in Ontario; or in securities which are a first charge on land held in fee simple in Ontario, Manitoba, Saskatchewan or Alberta, provided that such investments are in other respects reasonable and proper.

Imp Act 23-24 V. c. 145, s. 25.

Existing investments legalized.

(2) Any money already invested in any such stock, debentures or securities shall be deemed to have been lawfully and properly invested. R.S.O. 1897, c. 130, s. 2 (1); 63 V. c. 18, s. 1; 7 Edw. VII. c. 23, s. 2.

Investment of trust funds.

5.—(1) A trustee may deposit with any of the societies or companies hereinafter mentioned, or invest any money in his hands in terminable debentures or debenture stock of such societies or companies, provided that such deposit or investment is in other respects reasonable and proper, and that the debentures are registered, and are transferable only on the books of the society or company in his name as trustee for the particular trust estate for which they are held, and that the deposit account in the company's ledger is in the name of the trustee for the particular trust estate for which it is held and the deposit receipt or pass book is not transferable by endorsement or otherwise; 7 Edw. VII. c. 28, s. 1.

(*a*) Any incorporated society or company authorized to lend money upon mortgages on real estate, or for that purpose and other purposes, having a capitalized, fixed, paid up and permanent stock not liable to be withdrawn therefrom of not less than $400,000, and a reserve fund of not less than 25 per cent. of its paid up capital, and its stock having a market value of not less than 7 per cent. premium R.S.O. 1897, c. 130, s. 5 (1), cl. *a*; 62 V. (2), c. 11, s. 32; 1 Edw. VII. c. 14, s. 1.

(*b*) Any society or company heretofore incorporated under chapter 164 of the Revised Statutes of Ontario, 1877, or any Act incorporated therewith, or under chapter 169 of the Revised Statutes of Ontario, 1887, having a capitalized, fixed, paid up, and permanent stock not liable to be withdrawn therefrom of not less than $200,000, and a reserve fund of not less than 15 per cent. of its paid up capital, and its stock having a market value of not less than 7 per cent. premium. R.S.O. 1897, c. 130, s. 5 (1), cl. *b*; 62 V. (2), c. 11, s. 32; 3 Edw. VII. c. 7, s. 25.

Companies in which funds invested to be approved by Lieutenant-Governor.

(2) The Lieutenant-Governor in Council may approve of investments by a trustee in the debentures or debenture stock of any society or company mentioned in clause (*a*) which appears to have kept strictly within its legal powers in relation to borrowing and investment. R.S.O. 1897, c. 130, s. 6, *amended*.

Investments in other companies prohibited.

(3) No investments shall be made under authority of this Act in the debentures or debenture stock of any society or company which has not obtained such approval. R.S.O. 1897, c. 130, s. 6.

(4) The Lieutenant-Governor in Council may revoke any Order in Council approving of investments in the debentures or debenture stock of any such society or company. R.S.O. 1897, c. 130, s. 7.

Revocation of Order in Council approving of investments.

6. A trustee may from time to time vary or transpose any securities in which money in his hands is invested whether under the authority of this Act or otherwise into or for any other securities of any nature authorized by this Act. *(New.) See* R.S.O. 1897, c. 130, s. 5 (2).

Power to vary or transpose securities.

7. A trustee lending money upon the security of any property upon which he may lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property at the time when the loan was made, if it appears to the Court that in making the loan the trustee was acting upon a report as to the value of the property made by a person whom the trustee reasonably believed to be a competent valuator, instructed and employed independently of any owner of the property, whether such valuator carried on business in the locality where the property is situate or elsewhere, and that the amount of the loan does not exceed one-half of the value of the property as stated in the report, and that it was made under the advice of the valuator expressed in the report. R.S.O. 1897, c. 130, s. 8 (1).

When trustee not chargeable for lending on insufficient security.

Imp. Act 51-52 V. c. 59, s. 4.

8. Where a trustee has improperly advanced money on a mortgage security which would at the time of the investment have been a proper investment in all respects for a less sum than was actually advanced, the security shall be deemed an authorized investment for such less sum, and the trustee shall only be liable to make good the sum advanced in excess thereof with interest. R.S.O. 1897, c. 130, s. 9 (1).

Trustee lending more than authorized amount.

Imp. Act 51-52 V. c. 59, s. 5.

9. Sections 7 and 8 shall apply to transfers of existing securities as well as to new securities, and to investments made as well before as on and after the 4th day of May, 1891, unless some action or other proceeding was pending with reference thereto at that date. R.S.O. 1897, c. 130, s. 8 (2).

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10. A trustee shall not be chargeable with breach of trust by reason only of his continuing to hold an investment which has ceased to be an investment authorized by the instrument of trust or by the general law; and this provision shall apply to cases arising either before or after the passing of this Act. 63 V. c. 18, s. 2.

Liability in case of change of character of investment.

Imp. Act 57 V. c. 10, s. 4.

11. Chapter 130 of the Revised Statutes of Ontario, 1897, and all amendments thereto are repealed.

Repeal.

No. 97.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Investments by Trustees.

First Reading, 1909.

Mr. Foy.

TORONTO.
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 98 **BILL.** 1909

An Act respecting the Division Courts.

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Division Courts Act.*" R.S.O. 1897, c. 60, s. 1.

INTERPRETATION.

Interpretation.

2.—(1) In this Act:—

"Action."

(*a*) "Action" shall include a proceeding, suit, matter and cause;

"County."

(*b*) "County" shall include Provisional County and Provisional Judicial District;

"County Court."

(*c*) "County Court" shall include District Court;

"Defendant."

(*d*) "Defendant" shall include primary debtor;

"Division."

(*e*) "Division" shall mean the territory in and for which a Division Court is established;

"Inspector."

(*f*) "Inspector" shall mean the Inspector of Division Courts;

"Judge."

(*g*) "Judge" shall mean and include the Judge and a Junior Judge of the County Court of the County in which the division for which a Division Court is constituted is situate;

"Judgment creditor."

(*h*) "Judgment creditor" shall include a creditor who has obtained judgment against a garnishee;

"Judgment debtor."

(*i*) "Judgment debtor" shall include a garnishee against whom judgment has been recovered;

"Plaintiff."

(*j*) "Plaintiff" shall include primary creditor;

"Prescribed Form."

(*k*) "Prescribed form" shall mean the form prescribed by this Act or by the general rules or orders relating to Division Courts.

(2) Where in this Act any power or authority is conferred or any duty is imposed upon the Judge of the County Court, it shall be exercised or performed by him and not by a Junior Judge.

Territorial application of parts of Act.

3. Part I., except where otherwise therein provided, shall apply to every County and Provisional Judicial District in Ontario. Part II. shall be applicable only to Provisional Judicial Districts.

PART I.

THE COURTS.

Courts continued.

4. The Division Courts, as existing at the time this Act takes effect, shall continue. R.S.O. 1897, c. 60, s. 3.

Number of Courts in each county.

5. There shall be not less than three nor more than twelve Division Courts in each county, of which there shall be at least one in each city and county town. R.S.O. 1897, c. 60, s. 4.

Designation of Court.

6. The court in each division shall be called "The First (*or as the case may be*) Division Court of the county of ." R.S.O. 1897, c. 60, s. 5.

Each Court to have a seal.

7. Every court shall have a seal, with which all process shall be sealed or stamped, and which shall be paid for out of the Consolidated Revenue Fund. R.S.O. 1897, c. 60, s. 6.

To be Courts of Record.

8. The court shall be a Court of Record. R.S.O. 1897, c. 60, s. 7.

Appointment of place of office of Division Court Clerk.

9. The Lieutenant-Governor in Council may designate the place within the division where the office of the clerk shall be situated. R.S.O. 1897, c. 60, s. 9.

Time and place of holding Courts.

10.—(1) A sittings of the court shall be held in each division once in every two months, or oftener in the discretion of the Judge who presides over the Division Courts of the county, and the Judge may appoint and from time to time alter the times and places for holding such courts, and shall notify the clerk thereof. R.S.O. 1897, c. 60, s. 8.

The Lieutenant-Governor may, in certain cases, regulate holding of Courts.

(2) If the Judge of the county court, the sheriff and the inspector, or any two of them, certify to the Lieutenant-Governor that, in any division of the county, it is expedient that the court should not be held so often as once in every two months, the Lieutenant-Governor in Council may order the court to be held at such periods as to him seems meet, but a court shall be held in the division at least once in every six months. R.S.O. 1897, c. 60, s. 13.

Holding of Courts in cities, offices of clerks therein.

11. In any city in which two Division Courts are established, all or any of the sittings of both such courts may be held in either of such divisions, and the clerks of both courts may, with the approval of the Lieutenant-Governor in Council, keep their offices in the same division. R.S.O. 1897, c. 60, s. 9.

Sittings in Toronto.

12. Each of the courts for divisions within the City of Toronto shall, except during the month of August, hold sittings as follows:—

(*a*) At least weekly for the trial of actions;

(*b*) At least monthly for the hearing of judgment summonses; and

(*c*) At least once in every two months for the trial of actions where juries have been demanded. R.S.O. 1897, c. 60, s. 10.

Division Courts accommodation.

13.—(1) The local municipality in which a Division Court is held shall provide a court room, not in or connected with an hotel, and other necessary accommodation for holding the court.

If there be no proper Court room, etc., the Judge may hold Court in any suitable place.

(2) If a proper court room and other necessary accommodation are not furnished by the municipality, the Judge may hold the court in any suitable place in the division, or in any other division of the county in which suitable accommodation is provided, and the owner, lessee or tenant of the building in which the court is held shall be entitled to receive from the municipality whose duty it was to provide proper accommodation for the court, the sum of $5 for every day on which the court is held in the building.

Expenses for rent.

Judge to apportion costs in certain cases.

(3) Where a municipality, not being a city or town, furnishes a court room and other necessary accommodation, or pays for the use of any building, the municipality shall be entitled to recover from any other municipality the whole or part of which is within the division for which the court is held, such reasonable share of the cost as shall be ordered by the Judge of the court to be paid and contributed by the last mentioned municipality and in every such case the total cost shall be deemed to be $5 for every day on which the court is held. R.S.O. 1897, c. 60, s. 11.

Use of Court House.

14. The sittings of the court in a county town may be held in the Court House. R.S.O. 1897, c. 60, s. 12.

Board for determining the number and limits of divisions.

15.—(1) In a county the Judge of the county court, the Sheriff, the Warden and the Inspector, and in a Provisional Judicial District the Judge of the District Court, the Sheriff and the Inspector shall be a board who may appoint and alter the number and limits of the divisions and shall number the divisions beginning at number 1. See R.S.O. 1897, c. 109, s. 55 (2).

Board in provisional county.

(2) In a provisional county the Judge of the county court and the sheriff of the county of which the provisional county forms a part for judicial purposes the Inspector and the Warden of the provisional county shall constitute the board. (*New.*)

(3) No resolution or order altering the number or limits of the divisions or any of them shall be made, except at a meeting called for that purpose, of which four weeks' notice shall be given by publication in a newspaper published in the division affected, or if no newspaper is published there, then in a newspaper published in the county or district town of the county or district in which the division affected is situate. Meeting of Board.

(4) No such resolution or order shall take effect until approved by the Lieutenant-Governor in Council nor until notice of such approval has been published in the *Ontario Gazette*. R.S.O. 1897, c. 60, s. 15. When order of Board to take effect.

(5) An application to alter the limits of any division or to establish a new division may be made to the Judge of the county court in writing signed by the Reeve or other head of any municipality in the county, authorized by a resolution of the council in that behalf, or by a petition signed by at least twenty-five ratepayers of the municipality affected. Application for change of boundaries.

(6) Upon receiving the application the Judge shall notify the other members of the board, and upon receiving notice the Inspector shall appoint a time and place for considering the application, of which four weeks' notice shall be given as provided by subsection 2, and at the meeting persons supporting or opposing the proposed change shall be heard if they so desire, and the board shall consider and dispose of the whole matter. R.S.O. 1897, c. 60, ss. 15 and 16; 61 V. c. 15, s. 9. Procedure upon application.

(7) The Inspector shall keep a record of the proceedings of the board and shall send a copy of it to the Clerk of the Peace after each meeting. *New*. Record of proceedings.

16. Actions and judgments in any court, the number or limits of which are changed, shall continue to be actions and judgments therein, but the Judge may transfer any such action or judgment to any other court, and when so transferred the same shall be an action or judgment of such other court. R.S.O. 1897, c. 60, s. 18. Actions and judgments continued when transferred.

17. The Clerk of the Peace, in a book to be kept by him, shall record the divisions declared and appointed, and the times and places of holding the courts, and the alterations made therein, and he shall transmit to the Inspector a copy of the record. R.S.O. 1897, c. 60, s. 14. Clerks of the Peace to record time and place for holding Courts.

18.—(1) Where a union of counties is dissolved or a county is separated from a union of counties:— Actions where united counties are dissolved.

(*a*) The courts of divisions which were wholly within the senior county or remaining counties and those which were wholly within the junior or

separated county shall continue to be courts of the senior county or remaining counties and of the junior or separated county respectively, and all actions and judgments therein shall continue to be actions and judgments in such courts until altered by the board.

(*b*) Actions and judgments in courts or divisions the limits of which were partly within the senior county or remaining counties and partly within the junior or separated county, shall continue to be actions and judgments of such courts until transferred to some other court in accordance with this Act.

The Lieutenant Governor in Council may fix number and limits of Courts.

(2) The Lieutenant-Governor in Council may in the proclamation establishing a new county, or in a subsequent proclamation, to take effect in either case from a day to be named therein, fix and determine the number and limits of the courts for the new county, subject to be thereafter altered by the board, and may by the proclamation direct that actions and judgments in any court shall become actions and judgments in any other court and thereupon the same shall become actions and judgments of and shall be continued in such last mentioned court.

Writs and documents to be delivered up.

(3) Where an action or judgment in any court is transferred to another court the clerk and other officer of the court who holds any writ or document appertaining to such court or the business thereof shall deliver up the same to such person as the Judge directs. R.S.O. 1897, c. 60, ss. 17, 18, 19, 20, 21.

Regulation of limits on separation of a county.

(4) If the Lieutenant-Governor does not by proclamation fix and determine the number and limits of the divisions for the new county, the board shall, within three months after the issuing of the proclamation for establishing the new county, at a meeting to be called for the purpose or at an adjourned meeting, appoint the number and limits of the divisions for the county and the time when such appointment shall take effect. R.S.O. 1897, c. 60, s. 21.

THE JUDGE.

County Court Judges to preside.

19.—(1) The courts shall be presided over by the Judge or the Junior Judge or by the Deputy Judge.

Junior Judge to hold Division Courts.

(2) A Junior Judge shall preside over the courts of the county, subject to any other arrangements from time to time made with the Judge of the county court or, in the County of York, by a majority of the Judges.

Senior Judge to hold Division Courts when expedient.

(3) The appointment of a Junior Judge shall not prevent or excuse the Judge from presiding at any of the courts within his county when the public interests require it. R.S.O. 1897, c. 60, s. 22.

Who to preside in case of illness or absence of Judge.

20.—(1) The Judge may appoint a barrister to act as his deputy; and the Barrister so appointed shall have all the powers and privileges vested in and be subject to all the duties imposed by law upon the Judge. R.S.O. 1897, c. 60, s. 23.

Lieutenant-Governor to be notified of appointment of Deputy.

(2) The Judge shall forthwith send to the Provincial Secretary notice of the appointment, specifying the name and residence of the Barrister so appointed and the cause of his appointment. R.S.O. 1897, c. 60, s. 24.

Duration of appointment.

(3) No such appointment shall be continued for more than one month and, in case the Lieutenant-Governor in Council disapproves of the appointment, he may annul the same. R.S.O. 1897, c. 60, s. 25.

Adjournment of Court if Judge does not arrive in time.

21. If the Judge does not open court on the day appointed for that purpose, the clerk shall, after four o'clock in the afternoon, adjourn the court to an hour on the following day to be named by him, and so from day to day, adjourning over any Sunday or holiday. until the Judge arrives to open court, or until other directions are received from him. R.S.O. 1897, c. 60, s. 26.

CLERKS AND BAILIFFS, ETC.

Every Court to have clerk and bailiffs.

Tenure of office of Division Court officials.

22. For every court there shall be a clerk and a bailiff or bailiffs, who shall be appointed by the Lieutenant-Governor, and all clerks and bailiffs heretofore or hereafter appointed shall hold office during the pleasure of the Lieutenant-Governor. R.S.O. 1897, c. 60, ss. 27 and 28; 6 Edw. VII. c. 19, s. 12.

Clerk not to practise as barrister, etc.

23. A clerk shall not practise as a barrister or solicitor. R.S.O. 1897, c. 60, s. 29.

Duty of County Court Judges.

24.—(1) It shall be the duty of the Judge to see that the officers of his courts perform their duties, and to examine into complaints against them.

Suspension of clerk or bailiff by Judge.

(2) The Judge may for any cause suspend a clerk or bailiff, and in case of suspension shall forthwith report the same and the cause thereof to the Inspector, and, if a vacancy occurs in the office of clerk or bailiff, the Judge shall forthwith notify the Inspector. R.S.O. 1897, c. 60, s. 32.

Inspector may grant leave of absence to clerks or bailiffs.

25.—(1) Leave of absence for a period not exceeding two months may be granted by the Inspector to a clerk or bailiff. R.S.O. 1897, c. 60, s. 33.

When Clerk may appoint deputy.

(2) With the approval of the Judge, when prevented from acting by illness or accident, and with the approval of the Inspector, during absence on leave, the clerk or bailiff may appoint a deputy to act for him, with all his powers and privileges and subject to like duties, and the clerk and his sureties shall be jointly and severally responsible for all the acts and omissions of his deputy; and the bailiff and his sureties shall be jointly and severally responsible for all the acts and omissions of his deputy. R.S.O. 1897, c. 60, ss. 34, 35.

Clerks and bailiffs to give security. Rev. Stat. c. 16.

26. Subject to the provisions of section 24 of *The Act Respecting Public Officers*, and of section 33 of this Act every clerk and bailiff shall give security by a covenant, Form 1, with such and as many sureties, being freeholders and residents within the county, and in such sums as the Judge directs and under his hand approves and declares sufficient. Provided always that the Lieutenant-Governor in Council may increase or diminish the sum or sums for which any clerk or bailiff heretofore, or who may hereafter be appointed, shall be required to give security. R.S.O. 1897, c. 60, s. 36.

Before clerk or bailiff enters on his duties covenant to be filed with Clerk of the Peace.

27.—(1) Before a clerk or bailiff enters upon the duties of his office, the covenant of himself and his sureties, approved as aforesaid, shall be filed in the office of the Clerk of the Peace of the county in which the division is situate; and for filing the same, and granting a certificate thereof, the Clerk of the Peace shall be entitled to receive from the clerk or bailiff a fee of $1.

Renewal of clerks' and bailiffs' covenants.

(2) Where a covenant requires periodical renewal, the renewal receipt shall be filed with the Clerk of the Peace in whose office the covenant has been filed, and shall be attached to the covenant. The Clerk of the Peace for receiving and filing the receipt shall be entitled to receive from the clerk or bailiff a fee of fifty cents. R.S.O. 1897, c. 60, s. 37.

Covenant to be available to suitors, etc.

28. The covenant shall enure to the benefit of and may be sued upon in any court of competent jurisdiction by any person suffering damages by the default, breach of duty or misconduct of the clerk or bailiff. R.S.O. 1897, c. 60, s. 38.

Certified copy of covenant to be received as evidence.

29. A copy of the covenant, certified by the Clerk of the Peace, shall be received in all courts as sufficient evidence of the due execution, and of the contents thereof, without further proof. R.S.O. 1897, c. 60, s. 39.

Entries of clerk or bailiff evidence against surety.

30.—(1) In an action against a surety of a clerk or bailiff, the entries in the books kept by such clerk or bailiff shall be *prima facie* evidence against the surety.

(2) For the purposes of this section the words "clerk or bailiff" shall include a person who has ceased to be a clerk or a bailiff, as the case may be. R.S.O. 1897, c. 60, s. 40. Interpretation of "clerk or bailiff."

31. If a surety dies, becomes resident out of Ontario, or insolvent, the clerk or bailiff shall, within one month after such death, departure or insolvency, give a new security, in the manner hereinbefore provided, under penalty of forfeiture of his office. R.S.O. 1897, c. 60, s. 41. If surety dies, etc., a new surety to be furnished.

32.—(1) A surety who intends to withdraw from his suretyship may give notice in writing of his intention to the clerk or bailiff, as the case may be, and to the Judge, which may be served personally or left with a grown up person at the office or place of residence of the person to whom it is addressed, or mailed by registered post to such person at his usual post office address. Procedure where sureties of clerk or bailiff discontinue suretyship.

(2) The Judge receiving the notice shall forthwith notify the clerk or bailiff who shall, under penalty of forfeiture of his office (in addition to the suspension hereinafter mentioned), furnish the covenant of a new surety in lieu of the surety so giving notice, and shall procure the new covenant to be approved by such Judge and filed within one month after the notices have been given to him and to the Judge. Judge to notify clerk or bailiff.

(3) If the covenant is not so approved and filed, the Judge shall forthwith suspend the clerk or bailiff and report the suspension and the cause thereof to the inspector, and all accruing responsibility of the surety giving the notice shall cease from and after the expiration of five weeks from the day on which the last of such notices was given. If security not renewed Judge to suspend clerk or bailiff.

(4) Nothing done under the provisions of this section shall discharge or exonerate any of the parties to the former covenant from liability on account of any matter done or omitted prior to the approval and filing of the new covenant or the expiration of the five weeks. R.S.O. 1897, c. 60, s. 42. Former sureties not released.

33.—(1) Subject to the approval of the Lieutenant-Governor in Council and to any regulations made by him the inspector may from time to time enter into agreements with any company or corporation empowered to make such agreements for insuring or guaranteeing the integrity and faithful accounting and performance of the duty of any clerk or bailiff named in the agreement or in any schedule thereto or whose name is subsequently added to the schedule under the terms of any Order-in-Council and agreement, and every such agreement shall enure to the benefit of the same persons, and shall be enforceable in the same manner as a covenant entered into under section 26. 4 Edw. VII. c. 4, s. 2. Security for Division Court clerks and bailiffs.

Amount of security to be fixed as heretofore.

(2) The amount of the security to be furnished shall be determined by the Judge. 4 Edw. VII. c. 4, s. 3.

Certificate to be filed in office of clerk of the peace.

(3) Where security is furnished under the provisions of this section, the inspector shall give to the clerk or bailiff a certificate thereof which the clerk or bailiff shall file in the office of the Clerk of the Peace and the filing of the certificate shall have the same effect as the filing of a covnant as provided by subsection 1 of section 27. 4 Edw. VII. c. 4, s. 4.

[*See also Chap. 16, secs. 24-27, as to acceptance of policies of Guarantee Companies.*]

Clerk's Duties.

Clerk to issue summonses and furnish copies, etc.

34. The clerk shall issue all summonses and shall make copies thereof with the notices thereon, according to the prescribed form and, except as otherwise provided by this Act, shall deliver the same to the bailiff for service. R.S.O. 1897, c. 60, s. 44.

Clerk to keep a record of writs and judgments.

35. The clerk shall cause a note of all summonses, notices, orders, judgments, warrants, executions and returns thereto, to be entered in a book to be kept in his office; and shall sign his name on every page of the book; and the signed entries, or a copy thereof certified as a true copy by the clerk, shall be sufficient evidence of such entries and of the proceedings referred to therein, without further proof. R.S.O. 1897, c. 60, s. 45.

Books to be kept by Clerks.

36.—(1) A Procedure Book, Form 2, and a Foreign Procedure Book, Form 3, shall be kept by the clerk. R.S.O. 1897, c. 60, s. 46.

When county to provide books.

(2) Where the fees and emoluments earned by him are less than $500 a year the cost of all books required by this Act to be kept by the clerk or bailiff shall be repaid to him by the treasurer of the county. R.S.O. 1897, c. 60, s. 48.

Forwarding summonses for service in other divisions.

37. The clerk, when required, shall forward the summons and copies for service to the clerk of any other court who shall receive and deliver them to the bailiff for service, and when returned shall send the summons to the clerk from whom it was received, and shall enter the proceedings in the Foreign Procedure Book. R.S.O. 1897, c. 60, s. 96.

Clerks to issue executions, tax costs and keep account of fines, etc.

38. The clerk shall issue all warrants and executions; and shall tax costs, subject to revision by the Judge, and shall keep an account of all fines payable or paid into court, and of all suitors' moneys paid into and out of court, and shall enter an account of all such fines and moneys in a book to be kept by him for that purpose, which shall be

open to all persons desirous of searching the same and shall at all times be accessible to the Judge and the inspector. R.S.O. 1897, c. 60, s. 47.

Fines and penalties to be paid to Clerk of Peace.

39. The moneys arising from any penalty, forfeiture or fine imposed by or under authority of this Act, not directed to be otherwise applied, shall be paid to the clerk and shall be paid by him to the Clerk of the Peace, to be paid over to the Treasurer of the Province. R.S.O. 1897, c. 60, s. 301.

Clerks to deliver to Clerk of Peace a verified account of fines.

40. The clerk shall at least once in every three months and oftener if required by the Clerk of the Peace, deliver to him a full account in writing verified by affidavit of all fines levied, accounting for and deducting the reasonable expenses of levying the same, and any allowance which the Judge may make out of such fines in pursuance of the power hereinafter given. R.S.O. 1897, c. 60, s. 49.

Clerk to furnish Judge with a verified account of moneys paid in and out of Court.

41. The clerk when required by the Judge shall furnish him with a full account in writing, verified by affidavit of the moneys paid into or out of the court under orders, judgments or process of the court, and of the balance in court belonging to suitors or others, R.S.O. 1897. c. 60, s. 50.

Clerk to mail notice of payment of money.

42.—(1) Immediately after the receipt of any sum of money for any person, the clerk shall forward a notice thereof by registered post to the person entitled to receive the same; and shall obtain and file among the papers in the action the post-office certificate of the registration, and shall deduct the postage from the moneys in his hands, but shall charge no fee for the notice.

Registration certificate to be with papers

Effect of absence of certificate.

(2) The absence of the certificate of registration from among the papers in the action shall be *prima facie* evidence against the clerk that the notice has not been forwarded. R.S.O. 1897, c. 60, s. 302.

Clerk annually to make list of suitors' money in Court for 6 years.

43.—(1) The clerk shall annually in the month of January, make out a correct statement of all sums of money belonging to suitors or others which have been paid into court and have remained unclaimed for six years before the last day of the month of December then last past, specifying the names of the persons for whom or on whose account the same were so paid.

List to be put up in court house and Clerk's office, and sent to Provincial Treasurer and Inspector.

(2) The clerk shall keep one copy of the statement posted up in his office and another copy in some conspicuous part of the Court House or place where the court is held, and copies shall also be sent to the Treasurer of the Province and the inspector. R.S.O. 1897, c. 60, s. 51.

Unclaimed moneys to be paid over to Clerk of Peace.

(3) All such sums shall form part of the Consolidated Revenue Fund, and shall be forthwith paid over by the clerk or officer holding the same to the Clerk of the Peace of his county, to be paid over to the Treasurer of the Province and, except by leave of the Lieutenant-Governor in Council, no person shall be entitled to claim any such sum which has remained unclaimed for six years. R.S.O. 1897, c. 60, s. 303.

Claims of persons under disability not to be prejudiced.

(4) The time during which the person entitled to claim the money was an infant or of unsound mind, or out of Ontario, shall not be taken into account in computing the six years. R.S.O. 1897, c. 60, s. 304.

[*As to return of fees by Division Court Clerk, see Chap. 16, secs. 29, 30.*]

Disposal of Books and Papers when Clerk changed.

Upon resignation, removal or death of clerk Clerk of Peace to become possessed of papers.

44. All accounts, moneys, books, papers, documents, and other things in the possession of a clerk or bailiff by virtue of or appertaining to his office, shall, upon his death, resignation, or removal, immediately become the property of the Clerk of the Peace, who shall hold the same until the appointment of another clerk or bailiff, to whom he shall deliver over the same, when security has been furnished on behalf of such clerk or bailiff. R.S.O. 1897, c. 60, s. 52.

Clerk of Peace to act as clerk when office of Clerk is vacant.

45. Upon the death, resignation, suspension or removal of the clerk, the Clerk of the Peace shall be the clerk until a successor is appointed or the suspension is removed. R.S.O. 1897, c. 60, s. 53.

Duties of Bailiffs.

Bailiffs to serve writs.

46. The bailiff shall promptly serve and execute all summonses, orders, warrants, and executions delivered to him by the clerk, and shall so soon as served or executed return the same to the clerk: but, subject to the provisions of section 72, he shall not be required to travel beyond the limits of his division, or be allowed to charge mileage for any distance beyond the limits of the county in which is situated the division for the court of which he is bailiff. R.S.O. 1897, c. 60, s. 54.

Fees of Clerks and Bailiffs, etc.

Clerks and Bailiffs to be paid by fees.

47.—(1) The clerk and the bailiff shall be paid by fees, as provided and allowed by the general rules or orders heretofore in force or hereafter to be made by the Board

of County Judges, and approved under the provisions of this Act.

Table of fees to be posted up in Clerk's office.

(2) A table of the fees shall be kept posted up in some conspicuous place in the office of the clerk. R.S.O. 1897, c. 60, s. 56.

Fees of appraisers.

(3) Until otherwise provided by general rule or order, the fees to be taken and received by appraisers shall be as follows:—

To each Appraiser, during the time actually employed in appraising goods (*to be paid in first instance by the plaintiff and allowed as costs in the cause*).....*One dollar per day.*

R.S.O. 1897, c. 60, s. 56.

Cases where amount involved not more than $25

48.—(1) Where the claim sued for, exclusive of interest and costs, does not exceed $25, the tariff of clerk's or bailiff's fees shall not apply, except the fees for mileage to a bailiff, the fees for enforcing a warrant of attachment, warrant against the body or summons in replevin and the fee allowed to the clerk for receiving papers from another division for service, entering the same, handing the same to the bailiff and receiving and entering his return.

Fees of Clerks and Bailiffs.

(2) The fees taxable to the clerk and bailiff in an action in which the sum sued for as aforesaid does not exceed $25 shall, except as hereinbefore provided, be as follows:

To the clerk for any and all services rendered by him as such clerk from the time of entering the action or suing out an interpleader summons up to and including issuing an execution, warrant of attachment or warrant for arrest of delinquent and entering the return thereto	$1.00
To the clerk for all services rendered by him in connection with issuing judgment summons, making necessary copies of same, taking affidavits in connection therewith and all other proceedings	1.00
To the bailiff for all services rendered by him as such bailiff in serving the summons and making his return thereof to the clerk of the court or any other service that may be necessary before judgment is entered by the clerk or pronounced by the Judge, mileage excepted,	.50
For enforcing writ of execution, schedule of property seized or attached, bond where necessary acts done by him after seizure, mileage excepted, if money made or case settled after levy	.50

Necessary disbursements incurred in the care and removal of property shall be allowed, to be first allowed by the clerk subject to the approval of the Judge.

Warrant for arrest and return ..... .50

Plaintiff may serve summons.

(3) The plaintiff may without placing such summons or other suit paper in the hands of a bailiff serve or cause to be served any summons or other suit paper in connection with any action referred to in this section, and in such case no bailiff's fees shall be chargeable or taxable in respect of such service. R.S.O. 1897, c. 60, s. 57.

By whom fees to be paid in first instance.

49.—(1) The fees upon every proceeding shall be paid in the first instance, and before it is taken, by the party on whose behalf the proceeding is taken. R.S.O. 1897, c. 60, s. 58.

How enforced.

(2) If the fees are not so paid, payment may, by summary order of the Judge, be enforced by execution in like manner as the judgment of the court. R.S.O. 1897, c. 60, s. 59.

Bailiff's fees to be paid to Clerk when execution issues.

50. At the time of the issue of any process or execution the bailiff's fees thereon shall be paid to the clerk, and shall be paid over to the bailiff, upon the return of the execution, and not before; but if the bailiff does not become entitled to any part, or becomes entitled to a part only of such fees, the whole or the surplus, as the case may be, shall be repaid by the clerk to the person from whom the fees were received. R.S.O. c. 60, s. 60.

Bailiff to forfeit fees if he neglects to return writ.

51. If the bailiff neglects to return any process or execution within the time required by law he shall for such neglect forfeit his fees thereon, and all fees so forfeited shall be held to have been received by the clerk, who shall keep a special account thereof, and account for and pay over the same to the Clerk of the Peace, to be paid to the Treasurer of the Province, to form part of the Consolidated Revenue Fund. R.S.O. 1897, c. 60, s. 61.

Clerk or Bailiff not to accept extra fees.

52. A clerk or bailiff shall not directly or indirectly take or receive any commission, charge, fee or reward for or in connection with the collection of any debt or claim which has been or may or can be sued in the court for which he is clerk or bailiff, except such fees as are provided by a tariff of fees under this Act. R.S.O. 1897, c. 60, s. 62.

INSPECTOR.

Appointment of Inspector. Duties.

53. The Lieutenant-Governor in Council may appoint an Inspector of Division Courts, whose duty shall be:

(*a*) To make a personal inspection of every Division Court and of the books and papers thereof; Inspection of offices.

(*b*) To see that the proper books are provided, that they are in good order and condition, that the proper entries and records are made therein in a correct manner, at suitable times, and in proper form and order, and that the papers and documents are properly classified and preserved; Books, etc.

(*c*) To see that the duties of the officers of the courts are efficiently performed and that the office is at all times duly attended by the clerk; Officers' duties.

(*d*) To see that lawful fees only are taxed or allowed as costs; Lawful fees.

(*e*) To see that proper security is furnished and maintained on behalf of every clerk and bailiff; Security by Clerks and Bailiffs.

(*f*) When authorized by the Lieutenant-Governor in Council so to do, to direct that any papers or documents which it is unnecessary to preserve be destroyed. (*New.*) Destruction of useless papers.

(*g*) To report upon all such matters to the Lieutenant-Governor. R.S.O. 1897, c. 60, s. 63. Report to Lieutenant-Governor.

54. Where the Inspector considers it expedient to institute an enquiry into the conduct of a clerk or bailiff he may require him and any other person to give evidence on oath, and for that purpose shall have the same power as any court has in civil cases, to summon such officer or other person to attend as a witness, to enforce his attendance and to compel him to produce books and documents, and to give evidence. R.S.O. 1897, c. 60, s. 64. Power of Inspector in making inquiry into conduct of officers.

55. Every clerk and bailiff shall, as often as required by the Inspector, produce at the clerk's office, for examination and inspection, all books and documents required to be kept by him, and shall report to the Inspector concerning such matters as the Inspector shall require. R.S.O. 1897, c. 60, s. 65. Books, etc., to be produced for inspection.

56. Every clerk and bailiff, within five days after his appointment, shall inform the Inspector of his appointment, of his full name and post office address, and of the names of his sureties, their occupations, places of residence, and post office addresses. R.S.O. 1897, c. 60, s. 66. Officers to inform Inspector of their appointment, etc.

57. When a clerk or bailiff has given new sureties, he shall immediately inform the Inspector of the change, giving the names of the sureties, their occupations, places of residence, and post office addresses. R.S.O. 1897, c. 60, s. 67. Inspector to be informed of new sureties.

Officers to produce certificate of filing covenant, etc.

58. Every clerk and bailiff shall have and keep in his possession or custody the certificate of the Clerk of the Peace mentioned in section 27, and shall produce the same for the information of the Inspector when required so to do. R.S.O. 1897, c. 60, s. 68.

Clerk to make returns to Lieutenant-Governor.

59. Every clerk shall, on or before the 15th day of January in each year, make a return in such form and manner as the Lieutenant-Governor in Council shall prescribe of the business of his office for the year which ended on the 31st day of December next preceding. R.S.O. 1897, c. 60, s. 69.

Clerks' and bailiffs' returns to Inspector.

60. Every clerk and bailiff shall keep a separate book in which he shall enter from day to day all fees, charges and emoluments received by him by virtue of his office, and shall, on the 15th day of January in every year, make a return under oath to the Inspector, shewing the aggregate amount of fees, charges and emoluments which he became entitled to receive during the year which ended on the 31st day of December next preceding. R.S.O. 1897, c. 60, s. 70.

JURISDICTION.

Cases in which Court has no jurisdiction.

61. The court shall not have jurisdiction in any of the following cases:—

(*a*) An action for the recovery of land or an action in which the right or title to any corporeal or incorporeal hereditaments, or any toll, custom or franchise comes in question;

(*b*) An action in which the validity of any devise, bequest or limitation under any will or settlement is disputed;

(*c*) An action for malicious prosecution, libel, slander, criminal conversation, seduction or breach of promise of marriage;

(*d*) An action against a Justice of the Peace for anything done by him in the execution of his office, if he objects thereto. R.S.O. 1897, c. 60, s. 71.

(*e*) An action upon a judgment or order of the High Court or a County Court where execution may issue upon or in respect thereof. 61 V. c. 15, s. 9.

Cases in which the Court has jurisdiction.

62.—(1) Save as otherwise provided by this Act, the court shall have jurisdiction in:

(*a*) A personal action where the amount claimed does not exceed $60;

(*b*) A personal action if all the parties consent thereto in writing, and the amount claimed does not exceed $100;

(*c*) An action on a claim or demand of debt, account or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed $100; provided that in the case of an unsettled account the whole account does not exceed $600.

(*d*) An action for the recovery of a debt or money demand where the amount claimed exclusive of interest whether the interest is payable by contract or as damages does not exceed $200 and the amount claimed is

(i.) Ascertained by the signature of the defendant or of the person whom as executor or administrator he represents or—

(ii.) The balance of an amount not exceeding $200, which amount is so ascertained or—

(iii.) The balance of an amount so ascertained which did not exceed $400 and the plaintiff abandons the excess over $200.

An amount shall not be deemed to be so ascertained where it is necessary for the plaintiff to give other and extrinsic evidence beyond the production of a document and proof of the signature to it.

The jurisdiction conferred by this clause shall apply to claims and proceedings against an absconding debtor.

(2) Claims combining

Combining causes of action.

(*a*) Causes of action in respect of which the jurisdiction is by the foregoing subsection of this section limited to $60, hereinafter referred to as class (*a*);

(*b*) Causes of action in respect of which the jurisdiction is by the said subsection limited to $100, hereinafter referred to as class (*b*);

(*c*) Causes of action in respect of which the jurisdiction is by the said subsection limited to $200, hereinafter referred to as class (*c*),

may be joined in one action; provided that the whole amount claimed in respect of class (*a*) does not exceed $60; and that the whole amount claimed in respect of classes (*a*) and (*b*) combined, or in respect of class (*b*), where no claim is made in respect of class (*a*), does not exceed $100, and that the whole amount claimed in respect of classes (*a*) and (*c*) or (*b*) and (*c*) combined, does not exceed $200, and that in respect of classes (*b*) and (*c*) combined, the whole amount claimed in respect of class (*b*) does not exceed $100.

Separate findings on combined claims.

(3) The findings of the court upon claims so joined shall be separate.

Jurisdiction in replevin.

Rev. Stat. c. 66.

(4) The court shall also have jurisdiction in actions of replevin, where the value of the goods or other property or effects distrained, taken or detained, does not exceed $60, as provided in *The Replevin Act*. R.S.O. 1897, c. 60, s. 72.

Action between teachers and school boards.

(5) The court shall also have jurisdiction in actions between teachers and school boards as provided by *The High Schools Act, The Public Schools Act and The Separate Schools Act*.

Judge to try.

63. Except in actions in which a jury is demanded, as hereinafter provided, the Judge shall hear and determine in a summary way all questions of law and fact and may make such order or judgment as appears to him just and agreeable to equity and good conscience, which shall be final and conclusive between the parties, except as herein otherwise provided. R.S.O. 1897, c. 60, s. 73.

Judge may order payment in money although contract not for payment in money.

64. Upon a contract for the payment of a sum certain in labour or in any kind of goods or commodities or in any other manner than in money, the Judge may give judgment for the amount in money as if the contract had been so expressed, if the goods and commodities have not been delivered or the labour or other thing performed in accordance with the contract. R.S.O. 1897, c. 60, s. 74.

Powers of Courts.

65.—(1) The court in actions otherwise within its jurisdiction shall have power to grant relief, redress, or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties and forfeitures, in as full and ample a manner as might be done in the like case by the High Court. R.S.O. 1897, c. 60, s. 75.

Courts not to grant injunctions or receiver.

(2) Nothing in this section shall confer jurisdiction to grant an injunction or to appoint a receiver. 61 V. c. 15, s. 1.

Minors may sue for wages

66. A minor may sue for any sum not exceeding $100 due to him for wages, or for work or services, as if he were of full age. R.S.O. 1897, c. 60, s. 78.

Causes of action not to be divided.

67.—(1) A cause of action shall not be divided into two or more actions for the purpose of bringing the same within the jurisdiction of the court.

Principal and interest may be sued for separately.

(2) Where a sum for principal and also a sum for interest is due and payable to the same person upon a mortgage, bill, note, bond or other instrument, he may, notwithstanding anything in this section contained, but subject to the other provisions of this Act, sue separately for every sum so due. R.S.O. 1897, c. 60, s. 79.

Judgment to be full discharge.

68. A judgment in an action brought for the balance of an account, or for a part of a claim, where the residue is abandoned to bring the claim within the jurisdiction of the court, shall be a full discharge of all demands in respect of the account for the balance of which such action was brought, or for the whole claim, as the case may be. R.S.O. 1897, c. 60, s. 80.

Transfer of actions to High Court.

69.—(1) Where it appears at any stage of an action otherwise of the proper competence of the court that the court has not cognizance thereof on account of the title to land or any corporeal or incorporeal hereditament, or any toll, custom or franchise coming in question, or the validity of a devise, bequest or limitation under a will or settlement being disputed, the action shall not on that account be dismissed, but a Judge of the High Court, or the Judge of the court in which the action is pending, may order the same to be transferred to the High Court upon such terms as to the payment of costs or otherwise as he may think fit, and thereafter the action shall proceed in the High Court as if originally commenced therein, and as if the defendant had entered an appearance; but the High Court or a Judge thereof may give such directions as to procedure as may be deemed proper. R.S.O. 1897, c. 60, s. 81.

Appeal from order.

(2) Where the order is made by a Judge of the Division Court an appeal shall lie therefrom to a Judge of the High Court in Chambers who may rescind the order or vary the terms thereof. (*New.*) (*See* R.S.O. 1897, c. 55, s. 30 (3).)

Action may be removed into High Court in certain cases.

70. If it appears to a Judge of the High Court that an action is a fit one to be tried in the High Court, he may order that it be transferred into the High Court upon such terms as to payment of costs or otherwise as he may think fit. R.S.O. 1897, c. 60, s. 82.

Duty of Court where defence or counter-claim involves matter beyond jurisdiction.

71.—(1) Where a defence or counter claim involves matter beyond the jurisdiction of the court, the Judge may order that the whole case be transferred to the High Court or to the County Court of the county within which the division is situate.

Frivolous defence.

(2) If it appears that a defence or counter claim is frivolous or vexatious, the Judge, instead of proceeding under subsection (1), may order that the defence or counterclaim be struck out, but an order made under this subsection shall not be a bar to an action by a defendant for the recovery of the claim which formed the subject matter of the set off or counterclaim. R.S.O. 1897, c. 60, s. 76.

Pleadings in action transferred to High Court.

(3) It shall not be necessary that any pleading be delivered into the court to which the action is transferred unless the court or Judge thereof so directs. (*New.*)

[*As to removal into High Court, see Chap. 51, sec. 186.*]

PROCESS AND PROCEDURE.

Division in which action to be entered.

72.—(1) An action may be entered and tried

In what court actions may be entered and tried.

(*a*) In the court for the division in which the cause of action arose or in which the defendant, or any one of several defendants, resides or carries on business at the time the action is brought; or

Actions may be brought and tried in the court nearest to the defendant's residence.

(*b*) In the court the place of sitting whereof is the nearest to the residence of the defendant. R.S.O. 1897, c. 60, s. 84.

Service of summons in such cases.

(2) In the cases provided for by clause (*b*) of subsection (1) and by subsection (2) of section 80, the summons may be served by a bailiff of the court out of which it issues, and upon judgment being recovered execution against the goods and chattels of the debtor, and all other process and proceedings to enforce payment of the judgment, may be issued to the bailiff of such court, and be executed and enforced by him in the county in which the debtor resides, as well as in the county in which the judgment was recovered. R.S.O. 1897, c. 60, s. 85.

Execution.

When actions may be brought in other than the regular divisions.

73. If a person desires to bring an action in the court of a division other than as in the next proceeding section mentioned, the Judge may by order authorize an action to be entered and tried in the court of any division in his county adjacent to the division in which the defendant or one of the defendants resides, whether such defendant resides in the county of the Judge granting the order or in an adjoining county. R.S.O. 1897, c. 60, s. 86.

Effect of agreement as to place of trial.

74. No proviso, condition, stipulation, agreement or statement which provides for the place of trial of an action, matter or proceeding shall be of any force or effect unless and until the defendant within the time limited for disputing the plaintiff's claim or within such further time as the Judge shall allow, files with the clerk of the court in

which the action was commenced, a notice disputing the jurisdiction of the court and an affidavit of the defendant or his agent stating that in his belief there is a good defence to the action on the merits, and the division wherein the cause of action arose, or partly arose, and the division where the defendant resides. 6 Edw. VII., c. 19, s. 22 (1).

Actions when defendant resides out of the Province

75.—(1) Where it is provided that a claim may be entered, or an action brought, or that a person may be sued in a Division Court, the action may be brought, notwithstanding that the residence of the defendant is, at the time of bringing the action, out of Ontario, and the action may be brought in the court of the division in which the cause of action arose or partly arose.

Service of summons on non-residents.

(2) The service of the summons may be made by a bailiff of the court out of which it issued or by any person, who may, either before or after the service, be approved by the Judge or by the clerk, but such summons shall be served at least fifteen days before the return day thereof.

Proof of service.

(3) The affidavit of service, if not made in Ontario, may be sworn before any officer or person having authority to administer oaths under *The Evidence Act*.

Allowance for service out of Ontario.

(4) Where service of the summons has been effected out of Ontario, the Judge may allow, as costs in the action, a sum towards the expenses incurred in effecting service, not exceeding in the whole five dollars. R.S.O. 1897, c. 60, s. 87.

Where defendant is a corporation the head office of which is not in the Province

76. Where the defendant is a corporation not having its head office in Ontario, and the cause of action arose partly in one division and partly in another, the plaintiff may bring his action in either division. R.S.O. 1897, c. 60, s. 88.

Place of trial where amount sued for exceeds $100.

77.—(1) Where the debt or money payable exceeds $100, and is made payable by the contract of the parties at a place named therein, the action may be brought thereon in the court of the division in which the place of payment is situate, subject, however, to the action being transferred to the court of any division in which but for this section it might have been brought.

Changing place of trial in such cases.

(2) The Judge of the court in which the action is brought may, upon application of the defendant made within the time limited for disputing the plaintiff's claim, make an order transferring the action accordingly.

Affidavit in support of application.

(3) The application shall be supported by an affidavit of the applicant or his agent stating that the applicant intends to defend the action, that there is a good defence upon the merits, that the cause of action did not wholly

arise in the division in which the action is brought, and that the witnesses for the defence, or some of them, reside within the division in which the defendants, or one of them, resided or carried on business at the time the action was brought, and that the application is not made for the purpose of delay; the dates of the next two sittings of the court to which it is sought to have the action transferred shall also be shewn.

Order and papers to be transmitted to Clerk.

(4) The order shall direct at what sittings of the court the action shall be tried, subject to all rights of postponement as in other cases, and shall be attached by the clerk to the summons and other proceedings in the action, and he shall forthwith transmit them to the clerk of the court to which the action is transferred, and enter a minute thereof in his procedure book.

To be entered in procedure book.

(5) Upon receipt of the order and other papers by the clerk of such last mentioned court, he shall enter the action and proceedings in his procedure book.

Entitling papers.

(6) All the papers and proceedings in the action thereafter shall be entitled and carried on as though the action had originally been entered in the last mentioned court.

Order to be served.

(7) The defendant shall forthwith serve a copy of the order upon the plaintiff or his agent. R.S.O. 1897, c. 60, s. 90.

[*As to actions on insurance premium notes and assessments, see R.S.O. 1897, c. 203, s. 138.*]

NOTICE WHERE JURISDICTION DISPUTED.

Notice where jurisdiction of court disputed to be given.

78. Where a defendant or a garnishee intends to contest the territorial jurisdiction of the court, he shall leave with the clerk, within eight days after the day of service of the summons on him (where the service is required to be ten days before the return), or within twelve days after the day of such service (where the service is required to be fifteen or more days before the return), a notice in writing that he disputes the jurisdiction of the court, and the clerk shall forthwith give notice thereof to the plaintiff or his agent in the same way as notice of defence is given, and in default of such notice, the jurisdiction shall be considered as established and determined, and all proceedings may thereafter be taken as fully and effectually as if the action had been properly entered or taken in such court. R.S.O. 1897, c. 60, s. 205.

When action entered in wrong Court.

79.—(1) If it appears that an action should have been entered in some other court of the same or some other county, it shall not fail for want of jurisdiction but, on such terms as the Judge shall order, all the papers and pro-

ceedings in the action may be transferred to any court having jurisdiction in the premises, and shall become proceedings thereof as if the action had been entered therein, and shall be continued as if it had originally been entered in the last mentioned court.

Clerk to place on list and notify parties.

(2) The clerk of the court to which the proceedings have been transferred, shall place the action on the list for trial at the next sittings of his court which commences six clear days or more after he receives the papers, and he shall forthwith after receiving the papers notify the parties or their agents by registered post of the date, hour and place of the sittings, and the clerk issuing the summons shall certify in detail to the court to which the action is transferred all the costs incurred up to the date of the transfer. R.S.O. 1897, c. 60, s. 91.

Clerks and Bailiffs may sue and be sued in adjoining divisions.

80.—(1) A clerk or bailiff shall not sue or be sued in the court of which he is clerk or bailiff.

(2) A clerk or bailiff shall sue and be sued separately or jointly with another person in the court of any next adjoining division whether in the same or another county.

Actions by and against Clerks and Bailiffs commenced before appointment.

(3) Nothing in this section contained shall prevent proceedings from being continued in the court in which the action was brought, where it was commenced before the appointment of such clerk or bailiff. R.S.O. 1897 c. 60, ss. 92, 93.

Action against County Judge.

81. An action by or against a Judge may be brought in any court of a county adjoining that in which he resides. R.S.O. 1897, c. 60, s. 94.

Notices to be in writing.

82. Unless otherwise provided, every notice required by this Act shall be in writing. R.S.O. 1897, c. 60, s. 97.

Entry of Claim, Service, etc.

Entry of claim with Clerk.

83.—(1) The plaintiff shall enter his claim with the clerk and at the same time shall deliver to him a copy (and if necessary, copies) of his account, claim or demand in writing in detail (and in cases of tort, particulars of his demand) and each claim shall be numbered according to the order in which it is entered, and a summons in the prescribed form shall be issued, bearing the number of the claim on the margin thereof, and on the trial no evidence shall be given of any cause of action except such as is contained in the claim so entered.

Promissory note, etc., to be filed before judgment.

(2) In an action on a promissory note, bill of exchange or cheque, the same shall be filed with the clerk before judgment, unless otherwise ordered, or unless it be shewn that the note, bill or cheque is lost, or that it cannot for some other reason be produced. R.S.O. 1897, c. 60, s. 98.

Plaintiff to furnish particulars of claim to the Clerk for service.

84. The clerk shall annex the plaintiff's account or particulars to the summons, and shall deliver copies of the summons and account or particulars to the proper person to serve the same. R.S.O. 1897, c. 60, s 99.

Summons to be served ten days before return day.

When summons to be served if defendant resides out of county.

85. The summons, with a copy of the account or particulars attached, shall be served ten days at least before the return day thereof, and, where a defendant resides out of the county in which the action is brought, fifteen days at least before the return day thereof. R.S.O. 1897, c. 60, ss. 100. 101.

Endorsement upon summons.

86. There shall be endorsed upon the summons a notice informing the defendant that any application to change the place of trial must be made within the time limited for disputing the plaintiff's claim. R.S.O. 1897, c. 60, s. 102.

When service to be personal or otherwise.

87. Where the amount of the claim exceeds $15, the service shall be personal, and where the amount does not exceed $15 the service may be on the defendant, his wife or servant, or on a grown up inmate of the defendant's dwelling-house or usual place of abode or business. R.S.O. 1897, c. 60, s. 103.

General Provisions.

Substitutional service.

88. The Judge may make an order for substitutional service or for service by advertisement or otherwise. 62 V. (2), c. 11, s. 8.

Service of process, etc., on corporations.

89.—(1) Every summons or process against a corporation, firm or individual whose chief place of business is not within Ontario, and all subsequent papers and proceedings in the action, may be served on the agent of the corporation, firm or individual whose office or place of business as such agent is either within the division from the court of which the summons or process issued, or is nearest thereto.

Interpretation "Agent."

(2) For the purpose of this section the word "agent" shall include,

(*a*) In the case of a railway company a station-master having charge of a station of the company;

(*b*) In the case of a telegraph company, a person having charge of a telegraph office of the company; and

(*c*) In the case of an express company, a person having charge of an express office of the company. R.S.O. 1897, c. 60, s. 105.

90. The postage on papers required to be served out of the division, and sent by mail for service, shall be costs in the cause. R.S.O. 1897, c. 60, s. 106. Postage.

91.—(1) Where there is no Bailiff or the Bailiff is under suspension, the Judge may appoint a Bailiff *pro tempore* to perform: Bailiff *pro tempore*.

(*a*) All the duties of Bailiff; or

(*b*) Any particular duty.

(2) The clerk may also exercise the powers conferred by clause (*b*). R.S.O. 1897, c. 60, s. 107. Clerk may act as bailiff.

(3) The person appointed under clause (*a*) of subsection (1) shall perform all the duties required to be performed by a bailiff. R.S.O. 1897, c. 60, s. 108. Duties of Bailiff *pro tempore*.

92. The clerk shall prepare an affidavit of service of every summons issued out of his court, or sent to him for service, stating how the same was served, the day of service, and the distance the bailiff necessarily travelled to effect service, and the affidavit shall be annexed to or indorsed on the summons and shall be sworn to by the bailiff; but the Judge may require the bailiff to be sworn in his presence, and to answer such questions as may be put to him touching any service or mileage. R.S.O. 1897, c. 60, s. 109. Clerk to prepare affidavits of service, etc.

Partners.

93.—(1) In case of a debt or demand against two or more persons, partners in trade or otherwise jointly liable, who reside in different divisions, or of whom one or more cannot be found, one or more of such persons may be sued or served with process, and judgment may be obtained and execution issued against him or them, notwithstanding that others jointly liable have not been sued or served, without prejudice to the right of the person against whom execution issues to demand contribution from any other person jointly liable with him. R.S.O. 1897, c. 60, s. 110. One or more of persons jointly liable may be sued.

(2) Where a judgment has been obtained against one or more of several partners under the provisions of subsection 1, and the Judge certifies that the demand proved was a partnership transaction, the bailiff may, under the execution, seize and sell the property of the firm, as well as that of any defendant who has been served. R.S.O. 1897, c. 60, s. 111. Bailiff may seize property of firm on certificate of Judge.

(3) Two or more persons claiming or being liable as co-partners may sue or be sued in the name of the firm of which such persons were co-partners at the time of the accruing of the cause of action. R.S.O. 1897, c. 60, s. 112, (4), *part*. Service on parties added.

Partners sued in name of firm.

(4) Where partners are sued in the name of the firm, the summons may be served on one or more of them or at the principal place within Ontario of the business of the partnership or upon any person having control of the partnership business there and, subject to the provisions of subsections 6 and 7, such service shall be deemed good service upon the firm, and the affidavit of the service of the summons shall state the name of the person served. R.S.O. 1897, c. 60, s. 112 (4), *part*.

Order to furnish names and addresses.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the names and addresses of the persons who are co-partners in any firm which is a party to the action by the firm name, to be furnished in such manner as the Judge may direct. R.S.O. 1897, c. 60, s. 112, *part*.

When partnership dissolved.

(6) In the case of a partnership which to the knowledge of the plaintiff has been dissolved before action the summons shall be served upon every person within Ontario sought to be made liable. Con. Rules, Sup. Court 223.

Notice of capacity in which person served.

(7) Where a summons is issued against a firm and is served as directed by this section, every person upon whom it is served shall be informed by notice given at the time of service whether he is served as a partner or as a person having control or management of the partnership business or in both characters, and in default of such notice the person served shall be deemed to be served as a partner. Con. Rules, Sup. Court, 224.

Attachment of debts due by firm.

(8) Debts owing from a firm carrying on business within Ontario may be attached under section 146, although one or more members of the firm may be resident out of Ontario, provided that some person having the control or management of the partnership business or a member of the firm within Ontario is served with the attaching order. Con. Rules, Sup. Court, 229.

Execution against partners.

94.—(1) Where a judgment is against a firm, subject to the provisions of section 95, execution may issue against the property of

(*a*) The partnership;

(*b*) Any person who has admitted in the notice of dispute or defence filed that he is a partner, or who has been adjudged a partner;

(*c*) Any person who has been individually served as a partner with a copy of the summons and who has not filed a notice of dispute or defence. R.S.O. 1897, c. 60, s. 112 (5).

(2) If the party who has obtained a judgment claims to be entitled to issue execution against any other person as being a member of the firm, he may apply for leave to do so, and the Judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined in such manner as he may direct. Con. Rules, Sup. Court, 228 (2, *part*). Order to issue execution against other members.

95. Except as against the property of the partnership, a judgment against a firm shall not render liable, release, or otherwise affect any member thereof who was out of Ontario when the summons was issued, and who has not entered a defence to the action, unless he has been made a party under section 96, or has been served within Ontario after the summons was issued. Con. Rules, Sup. Court, 228 (2), *part*. Effect of judgment against firm.

96.—(1) A person, whether or not a British subject, and whether residing in or out of Ontario, carrying on business within Ontario under a name or style other than his own name, may be sued in such name or style. Persons carrying on business in Ontario under another name.

(2) Leave shall not be necessary to issue the summons. Leave to issue summons not required.

(3) The summons may be served upon the person so carrying on business if he be within Ontario, or at his place of business within Ontario, or, if there are several such places, at the place in or nearest to the county in which the cause of action arose, upon any person having the control or management of the business there, and such service shall be equivalent to personal service on the person so sued. Service of summons.

(4) The person upon whom the summons is served shall be informed by notice given at the time of service whether he is served as the person carrying on the business or as the person having the control or management of it or in both characters and in default of such notice he shall be deemed to be served as the person carrying on the business. Notice of character in which person served.

(5) Any party may, at any time before or after judgment, apply for an order directing a statement of the name and address of the person who is, and of the person who, at the time of the accruing of the cause of action, was carrying on business under such name or style, to be furnished in such manner as the Judge may direct. Procuring name and address of person carrying on business.

(6) The person so sued shall enter a dispute in his own name, but all subsequent proceedings shall continue in the said name or style. Person served to appear in his own name.

(7) A person served as the person carrying on the business may enter a defence under protest, denying that he is the person so carrying on the business, but such defence shall not preclude the plaintiff from otherwise serving the person sued or from obtaining judgment in default of defence in the ordinary form by the person so sued. Defence under protest.

When person served is not carrying on the business.

(8) Where a summons is served under subsection 3 on a person having the control or management of but not carrying on the business, a dispute by him shall not be necessary.

Enforcement of judgment, what property exigible.

(9) A judgment or order in the action may be enforced by execution against

(*a*) The property of the person so sued, used or employed in or in connection with the business, and

(*b*) The property within Ontario of the person so sued if he has entered a defence in the action, or has been adjudged to be the person carrying on the business or has been personally served with the summons within Ontario and has failed to enter a defence.

Issuing execution against person alleged to be carrying on the business.

(10) If the person so sued has not entered a dispute or has not been personally served, or has not been adjudged to be the person carrying on the business, the plaintiff may apply for leave to issue execution against the person within Ontario whom the plaintiff alleges to be the person carrying on the business, and the Judge may give such leave if the liability be not disputed, or, if disputed, after the liability has been determined, in such manner as the Judge may direct. Con. Rules, Sup. Court, 231.

Adding Parties.

Striking out and adding parties.

97.—(1) The Judge may at any state of the proceedings, upon such terms as may appear to him to be just, order that the name of a plaintiff, defendant, or garnishee improperly joined be struck out, and that any person who ought to have been joined or whose presence is necessary in order to enable the Judge effectually and completely to adjudicate upon the questions involved in the action be added as plaintiff, defendant, or garnishee. R.S.O. c. 60, s. 112.

Substituting or adding plaintiff.

(2) Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right plaintiff, the Judge, if satisfied that it has been so commenced through a *bonâ fide* mistake and that it is necessary for the determination of the real matter in dispute so to do, may order any other person to be substituted or added as plaintiff upon such terms as he may deem just. Rules of the Supreme Court, 1883 (Eng.), O. 16, R. 2.

Consent of party added required.

(3) No person shall be added or substituted as a plaintiff or as a next friend, unless his own consent in writing thereto be filed. Con. Rules, Sup. Court, 206, subsections 2 and 3.

(4) A person who is added as a defendant or garnishee, shall be served with a copy of the summons, the original summons being first amended, and the proceedings against him shall be deemed to have been commenced from the date of the order making him a party; but if the application to add any person as a party defendant or garnishee be made at the trial, the Judge may make the order in a summary manner upon such terms as to him may seem just, and may dispense with the service of a copy of the summons if such person or his agent consents thereto. R.S.O. 1897, c. 60, s. 112 (3). Service on parties added.

Judgment by Default where Summons Specially Endorsed.

98.—(1) In actions for the recovery of a debt or money demand, where the particulars of claim, with reasonable certainty and detail, are endorsed on or attached to the summons, hereinafter called a special summons, and a copy of the summons and particulars, with a notice in the prescribed form, annexed to or endorsed on such copy has been duly served, then, unless the defendant has left with the clerk, within eight days after the day of service (where the service is required to be ten days before the return), or within twelve days after the day of service (where the service is required to be fifteen days before the return), a notice to the effect that he disputes the claim, or some part, and how much thereof, final judgment may be entered by the clerk on the return of the summons, or at any time within one month therefrom, or, by order of the Judge, at any time thereafter for the amount claimed in the particulars, or so much thereof as has not been disputed, and execution may issue thereon without prejudice to the right of the plaintiff to proceed for the remainder of his claim. R.S.O. 1897, c. 60, s. 113. In proceedings by special summons final judgment entered by the clerk when claim in whole or in part not disputed, etc.

(2) The judgment shall be in the prescribed form, but shall not be entered until the special summons and particulars with an affidavit of the due service of both have been filed. R.S.O. 1897, c. 60, s. 114. Summons, particulars and affidavit to be filed.

(3) The Judge may set aside such judgment and permit the case to be tried, on such terms as to him may seem just. R.S.O. 1897, c. 60, s. 114. Judge may set aside judgment.

99. Where proof is made by affidavit or otherwise of the service of a special summons, and of the particulars of the plaintiff's claim as required by section 100, and judgment has not been entered under the provisions of the said section, the Judge may, if the defendant does not in person or by agent appear in open court, as required by the summons, give judgment against him by default, without requiring proof of the plaintiff's claim. R.S.O. 1897, c. 60, s. 115. Judgment by default under s. 100, where final judgment not entered.

Motion for judgment.

100.—(1) In any action commenced by special summons for the recovery of a debt or money demand of $25 or upwards, the plaintiff, on an affidavit made by himself or any other person swearing positively to the facts and verifying the cause of action and the amount claimed and stating that in his belief there is no defence to the action, and the reasons why immediate judgment should be granted, may concurrently with the service of the special summons, or at any subsequent time, serve the defendant with a notice of motion, returnable not less than four clear days after service, to shew cause before the Judge why the plaintiff should not be at liberty to have final judgment entered by the clerk for the amount of the debt or money demand sought to be recovered, together with interest, if any, and costs. A copy of the affidavit shall be served with the notice of motion. The Judge thereupon, if the reasons for immediate judgment appear to be sufficient, unless the defendant or his agent by affidavit or otherwise satisfies him that the defendant has a good defence to the action on the merits or discloses such facts as may be deemed sufficient to entitle him to defend the action, may make an order empowering the clerk to sign final judgment.

How defendant may shew cause.

(2) The defendant may shew cause by offering to bring into court the amount sought to be recovered, or by affidavit which shall state whether the defence he alleges goes to the whole or to part only, and if to part only, then to what part of the claim. The Judge may, if he thinks fit, order the defendant to attend and be examined upon oath, and to produce any books and documents, or copies of, or extracts therefrom.

Partial defence.

(3) If it appears that the defence applies only to a part of the claim, or that part of the claim is admitted to be due, the plaintiff shall be entitled to have final judgment entered forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, payment of any amount levied, or any part thereof, into court by the bailiff, the taxation of costs or otherwise, as to the Judge may seem just; and the defendant may be allowed to defend as to the residue of the claim.

Where one defendant has good defence.

(4) If it appears to the Judge that a defendant has a good defence, or ought to be permitted to defend, and that any other defendant has not such defence, and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to have judgment entered against the latter, and may issue execution upon the judgment without prejudice to his right to proceed with his action against the former.

Terms upon giving leave to defend.

(5) Leave to defend may be given unconditionally, or subject to such terms as to giving security or otherwise, as to the Judge may seem just. R.S.O. 1897, c. 60, s. 116.

(6) Within seven days after making the order, and upon good grounds being shown, the Judge may set aside or vary the order upon such terms as to him may seem just. 61 V. c. 15, s. 5. Setting aside or varying order.

101. At any time before judgment is entered although the time for giving the notice disputing the plaintiff's claim has expired, the Judge, on sufficient grounds shewn, and on such terms as to him may seem just, may give leave to the defendant to dispute the plaintiff's claim, in which case the notice disputing the claim shall immediately be left with the clerk, and also delivered to the plaintiff or sent to him by registered post. R.S.O. 1897, c. 60, s. 117. Leave to dispute claim at any time before judgment.

102. A defendant who has filed a notice disputing the claim may, by notice to the clerk at least six days before the sittings at which the action may be tried, consent that judgment be entered against him for any amount, and the clerk shall immediately notify the plaintiff thereof by registered post, and thereupon the plaintiff shall be entitled to have judgment entered by the clerk as by default for such amount and the costs necessarily incurred R.S.O. 1897, c. 60, s. 118. Withdrawal of defence.

103. Where a defendant or garnishee has given the clerk notice that he disputes the claim, or any other notice of which the plaintiff should be informed before the trial, or where it becomes the duty of the clerk to give notice to any party to an action of any defence, admission, Judge's order or other matter of which he should be notified before the trial, the notice shall state the place and time of the sittings of the court at which the action is to be tried. R.S.O. 1897, c. 60, s. 119. Requisites of notices.

104. The Judge may at any time and on such terms as to costs and otherwise as to him may seem just, amend any defect or error in any proceeding; and all such amendments may be made as may be necessary for the advancement of justice, determining the real question raised by or depending on the proceedings and best calculated to secure the giving of judgment according to the very right and justice of the case. Div. Ct. Rule 239. Power to amend proceedings.

Trial.

105. Where a trial is to be had the defendant shall on the day named in the summons, either personally or by agent, appear in the court to answer, and, on answer being made, the Judge shall, without further pleading or formal joinder of issue, proceed in a summary way, to try the action and give judgment; and if satisfactory proof is not given entitling either party to judgment, he may nonsuit the plaintiff. R.S.O. 1897, c. 60, s. 120. Judge may summarily dispose of action or nonsuit plaintiff.

Order in which actions to be tried.

106. The clerk shall place all actions in which the sum sought to be recovered exceeds $100 at the foot of the trial list, and the Judge shall in such actions, unless an agreement not to appeal has been signed and filed, as provided by section 107, take down the evidence in writing, and leave the same with the clerk, but, in the event of an application for a new trial, it shall be forwarded to the Judge by the clerk for the purposes of the application. R.S.O. 1897, c. 60, s. 121.

Evidence to be taken down.

Parties may agree not to appeal.

107. An appeal shall not lie if, before the commencement of the trial, there is filed with the clerk an agreement in writing not to appeal, signed by the parties, or their agents, and the Judge shall note in his minutes whether such agreement was so filed or not, and the minutes shall be conclusive evidence upon that point. R.S.O. 1897, c. 60, s. 122.

Proceedings in case defendant does not appear.

108. If on the day named in the summons the defendant does not appear, or sufficiently excuse his absence, or if he neglects to answer, the Judge, on proof of due service of the summons and particulars, may proceed with the trial in his absence, and, except where the plaintiff's claim is for unliquidated damages in case of the personal service of the summons and of detailed particulars of the plaintiff's claim, the Judge may, in his discretion, give judgment without further proof. R.S.O. 1897, c. 60, s. 123.

Judge may adjourn hearing of cause.

109. The Judge may adjourn the trial of an action, whether it is being tried with or without a jury, to permit either party to summon witnesses or to produce further proof, or to serve or give any notice necessary to enable him to enter more fully into his case or for any cause which the Judge thinks reasonable, upon such conditions as to payment of costs and admission of evidence, or otherwise, as to him may seem just. R.S.O. 1897. c. 60, ss. 124, 125.

All persons empowered to act as agents or advocates.

110. A barrister or solicitor or any other person not prohibited by the Judge, may appear at the trial or hearing of an action as agent for any party thereto. R.S.O. 1897, c. 60, ss. 126, 127.

Tender and Payment of Money into Court.

Plea of tender with payment of money into Court.

111.—(1) If the defendant desires to plead a tender before action of a sum of money in full satisfaction of the plaintiff's claim, he may do so on filing his defence with the clerk at least six days before the day appointed for the trial, and at the same time paying into court the amount mentioned in the defence; and notice of the defence and

payment shall be forthwith sent by the clerk to the plaintiff by registered post, or delivered at his usual place of abode or business. R.S.O. 1897, c. 60, s. 128.

Amount tendered to be accepted unless plaintiff gives notice.

(2) The plaintiff shall be deemed to have accepted the money in full satisfaction of his claim and all proceedings in the action shall be stayed unless within three days after the receipt of notice of the payment, he signifies in writing to the clerk his intention to proceed for his claim notwithstanding such defence, in which case the action shall proceed. R.S.O. 1897, c. 60, s. 129.

When plaintiff does not give notice.

(3) If the plaintiff does not give the notice mentioned in subsection (2) the money shall be paid to him less $1 to be paid over to the defendant for his trouble. R.S.O. 1897, c. 60, s. 129, *part*.

Giving of notice after time limited.

(4) The Judge may allow the plaintiff to give the notice to the clerk after the expiration of the said three days on such terms as to him may seem just. (*New*.)

Rule as to costs where plaintiff proceeds for balance.

(5) If after tender and payment into court the plaintiff proceeds with his action and does not recover more than the sum paid into court, he shall pay the defendant his costs, charges and expenses, and the amount thereof may be paid to the defendant out of the money so paid in, or may be recovered from the plaintiff in the same manner as money payable under a judgment; but, if the plaintiff recovers more than the sum paid into court, the full amount paid into court shall be applied towards the satisfaction of his claim, and judgment may be given against the defendant for the residue and costs of the action. R.S.O. 1897, c. 60, s. 130.

Defendant may pay money into Court.

112.—(1) The defendant may, not less than six days before the day appointed for the trial, pay into Court a sum in full satisfaction of the plaintiff's claim, together with the plaintiff's costs up to the time of such payment. R.S.O. 1897, c. 60, s. 131.

Clerk to give notice of payment to plaintiff.

(2) The clerk shall forthwith deliver or send notice of such payment by registered post to the plaintiff, and the sum so paid shall be paid to the plaintiff, and he shall be deemed to have accepted it in full satisfaction of his claim, and all proceedings in the action shall be stayed, unless within three days after the receipt of the notice the plaintiff gives notice to the clerk of his intention to proceed for the remainder of his claim, in which case the action shall proceed. R.S.O. 1897, c. 60, s. 132.

Notice to be given after three days.

(3) The Judge may allow the plaintiff to give the notice to the clerk after the expiration of the said three days on such terms as to him may seem just. (*New*.)

Plaintiff to pay defendant's costs if

(4) If the plaintiff recovers no more than the sum paid into court, he shall pay the defendant all costs, charges

no further sum recovered.

and expenses incurred by him in the action after such payment, to be taxed and recovered by the same means as any other sum ordered by this court to be paid. R.S.O. 1897, c. 60, s. 133.

Set-off and Statutory Defences.

Defendant to give notice of set-off or other statutory defence.

113.—(1) Where the defendant desires to avail himself of the law of set-off, or of *The Statute of Limitations*, or of a defence under any other statute, he shall, not less than six days before the trial, give notice thereof to the plaintiff, or leave the same for him at his usual place of abode or business if within the division, or if the plaintiff lives without the division, shall deliver the same to the clerk; and in case of a set-off the particulars thereof shall be delivered to the clerk and shall accompany the notice to be given to the plaintiff. R.S.O. 1897, c. 60, s. 134.

Evidence of set-off.

(2) Except by leave of the Judge no evidence of set-off shall be given by the defendant save such as is contained in the particulars delivered. R.S.O. 1897, c. 60, s. 135.

Provisions if set-off exceeds amount due to plaintiff.

(3) If the set-off proved exceeds the amount found to be due to the plaintiff, judgment shall be entered for the defendant for the excess, if the excess be an amount within the jurisdiction of the court; but, if the excess be an amount beyond the jurisdiction of the court, the Judge may order that an amount of the set-off equal to the amount found to be due to the plaintiff be satisfied by the claim, but the adjudication shall not be a bar to the recovery by the defendant in a subsequent action for the residue of the set-off. R.S.O. 1897, c. 60, s. 136.

WITNESSES AND EVIDENCE.

Subpœnas.

Parties may obtain subpœnas from clerk.

114. A party may obtain from the clerk of any Division Court in the county a subpœna with or without the clause for the production of books, papers, and documents, requiring any witness, resident within Ontario or served with the subpœna therein, to attend at a specified court or place before the Judge, or an arbitrator appointed by him under the provisions hereinafter contained, and the clerk when requested by a party or his agent shall furnish copies of such subpœna. R.S.O. 1897, c. 60, s. 137.

Service of subpœna, by whom made.

115. Any number of names may be inserted in a subpœna, and service thereof may be made by any literate person, personally or by leaving a copy thereof at the usual place of abode of the witness, and proof of such service and of tender or payment of witness fees and mileage, may be received by the Judge, either orally or by affidavit. R.S.O. 1897, c. 60, s. 138.

Penalty for disobeying subpœna or refusing to be sworn.

116.—(1) Every person served with a copy of a subpœna to or for whom at the time of such service a tender or payment of his witness fees and mileage has been made, who refuses or neglects without sufficient cause to obey the subpœna, and every person in court called upon to give evidence, who refuses to be sworn or to give evidence, shall be liable to pay such fine not exceeding $8 as the Judge may order, and shall be also liable to imprisonment for any time not exceeding ten days on the order of the Judge.

Enforcing payment of fine.

(2) The fine shall be levied and collected with costs, by the same process as a judgment recovered in the court and the whole or any part of the fine, after deducting the costs, shall be applicable, in the discretion of the Judge, towards indemnifying the party injured by such refusal or neglect, and the remainder shall form part of the Consolidated Revenue Fund. R.S.O. 1897, c. 60, s. 139.

Expenses to be paid witness out of county.

117. A person served with a subpœna, who is resident in Ontario, but not in the county in which the court is situate, shall be entitled to be paid witness fees and mileage, according to the County Court tariff. R.S.O. 1897, c. 60, s. 140.

Commissions to take Evidence.

Power to issue commissions to take evidence.

118.—(1) If a party is desirous of having at the trial or hearing the testimony of a person residing out of Ontario, the Judge, upon hearing the parties, may order the issue of a commission out of and under the seal of the court to a commissioner to take the examination of such person. R.S.O. 1897, c. 60, s. 141.

When commission to take evidence of applicant, etc., may be granted.

(2) An order shall not be made for the issue of a commission for taking the testimony of the party applying therefor, or of any person in his employment, unless in the opinion of the Judge a saving of expenses will be caused thereby, or unless it is clearly made to appear that the party or person is aged, infirm, or unable from sickness to appear as a witness. R.S.O. 1897, c. 60, s. 142.

Examination of witnesses whose attendance at trial cannot be obtained.

(3) If it is made to appear to the Judge that a material and necessary witness residing in Ontario is sick, aged, or infirm, or that he is about to leave the Province, and that his attendance as a witness cannot be procured, the Judge may make an order appointing a suitable person to take his testimony.

Examination of witness residing at a distance from place of trial.

(4) An order may also be obtained for the examination of a witness who resides in a remote part of Ontario, and at a great distance from the place of trial, if it be made to appear that his attendance cannot be procured, or that the expense of his attendance would be out of proportion to the amount involved in the action, or so great that the

party desiring his attendance should not, under the circumstances, be required to incur the same. R.S.O. 1897, c. 60, s. 144.

Service of order.

(5) A copy of the order, with two days' notice of the time and place of the examination, shall be served upon the opposite party, or his agent, who may appear, and cross-examine the witness. R.S.O. 1897, c. 60, s. 143.

Rules made applicable to commissions.

(6) The provisions of the Rules of the Supreme Court, so far as the same are applicable, shall apply to every commission or order issued under the authority of this section. R.S.O. 1897, c. 60, s. 145.

Costs of commission.

(7) The costs of the issue, transmission, execution and return of any commission issued or order made under the provisions of this section shall be in the discretion of the Judge, who may allow a sum in gross therefor; and the costs may be added to any other costs to be paid to the party entitled thereto, and may be recovered in like manner as the ordinary costs of an action. R.S.O. 1897, c. 60, s. 147.

Books of Accounts, Affidavits, etc., as Evidence.

Judge may receive in evidence plaintiff's or defendant's books of account.

119. In an action for a debt or money demand of not more than $25, and in case of a defence of set-off or of payment so far as the same extends to $25, the Judge, on being satisfied of their general correctness, may receive the plaintiff's, defendant's or garnishee's books as evidence, and may also receive as evidence the affidavit of any party or witness resident out of the county, but may require the party or witness to answer written interrogatories upon oath. R.S.O 1897, c. 60, s. 148.

Affidavits may be sworn before a Clerk, etc.

120.—(1) Affidavits may be sworn before a clerk or deputy clerk, or before a Justice of the Peace, Notary Public or commissioner for taking affidavits. R.S.O. 1897, c. 60, s. 149.

Affidavits sworn before agents not to be used.

(2) An affidavit sworn before the agent of the party on whose behalf it was made, or before the clerk or partner of such agent, shall not be used. 62 V. (2), c. 11, s. 7.

JUDGE'S DECISION.

Judge may give judgment instanter, or postpone judgment.

121. The Judge shall, in court, openly, and as soon as may be after the trial, pronounce his decision; but if he is not then prepared to pronounce a decision he may postpone it until it is convenient for him to give the same, and he shall then send it to the clerk, who shall forthwith enter the judgment and by registered post notify the parties or their agents thereof. R.S.O. 1897, c. 60, s. 150.

122.—(1) The Judge may order the times and the proportions in which any sum and costs recovered by judgment shall be paid, having regard to the provisions of section 124. Judge may direct times and proportions in which judgment shall be paid.

(2) Unless otherwise ordered, execution shall not issue within fifteen days after the entry of judgment, but the Judge may order the amount of the judgment or any instalment thereof to be paid into court. R.S.O. 1897, c. 60, s. 151. Execution not to issue for fifteen days after judgment.

123.—(1) Upon application made within fourteen days after the trial, or where the decision is not given at the trial after the mailing of the notice of the decision to the party applying, and upon good grounds being shown, the Judge may grant a new trial upon such terms as he thinks reasonable, and in the meantime may stay proceedings. New trial.

(2) If reasonable excuse for the delay is shown to the satisfaction of the Judge, the application may be made at any time within fourteen days after the expiration of the first mentioned fourteen days. (*New.*) Extending time for application.

(3) Instead of granting a new trial, the Judge may pronounce the judgment which in his opinion ought to have been pronounced at the trial, and may order judgment to be entered accordingly. R.S.O. 1897, c. 60, s. 152. Judgment on application for new trial.

124. Except where a new trial is granted, the issue of execution shall not be postponed for more than fifty days from the service of the summons without the consent of the party entitled to the same, but if it is proved to the satisfaction of the Judge that a party is unable, from sickness or other cause, to pay the debt or damages recovered against him, or any instalment thereof ordered to be paid, or that for any other reason the issue of execution should be further postponed, the Judge may stay the judgment, order or execution for such time and on such terms as he thinks fit, and so from time to time until it is proved that the cause of disability has ceased. R.S.O. 1897, c. 60, s. 153. Execution not to be postponed for more than 50 days.

APPEALS.

125. Subject to the provisions of section 107 an appeal shall lie to a Divisional Court of the High Court from the decision of the Judge at or after the trial or upon an application for a new trial except in cases where a new trial has been granted Appeals to Divisional Court.

(*a*) In an action or garnishee proceeding where the sum in dispute exceeds $100 exclusive of costs;

(*b*) In interpleader where the money or the value of the goods or chattels claimed or proceeds there-

of exceed $100 or where the damages claimed by or awarded to either party against the other or against a bailiff exceeds the sum of $60;

(*c*) Where the parties consent to an appeal; or

(*d*) Where the effect of the decision is to determine that any general assessment made by a mutual insurance company is invalid; but the company, unless the Divisional Court otherwise directs, shall pay the respondent's costs of the appeal between solicitor and client on the County Court scale in any event. R.S.O. 1897, c. 60, ss. 154, 155. (*Amended.*)

Agents for service where right to appeal.

126.—(1) Where an appeal lies, each party shall before or at the trial leave with the clerk, a memorandum in writing of the name and place of abode of some person resident within the county town upon whom the notice of appeal, and all other papers thereafter requiring service, may be served for him, and service upon such person, or, in his absence, at his place of abode, shall be sufficient; and, in the event of failure to leave such memorandum, all papers requiring service upon the party so failing may be served upon the clerk, or left at his office, and the clerk shall forthwith send, by registered post, all papers so served upon him, to the person entitled thereto. R.S.O. 1897, c. 60, s. 156.

(2) This section shall not apply to a Provisional Judicial District.

Certified proceedings, etc., to be furnished by Clerk.

127. The clerk shall, at the request of the appellant, or his agent, certify under his hand to the Clerk of the Central office at Osgoode Hall, Toronto, the summons with all notices indorsed thereon, the claim, and any notice of defence, the evidence and all objections and exceptions thereto, and all motions or orders made, granted, or refused therein, together with such notes of the Judge's charge as may have been made, the decision when in writing, or the notes thereof, and all affidavits and other papers in the action, the whole hereinafter called the appeal case; and the clerk shall furnish to the parties, when required so to do, copies of the proceedings so certified, or such part thereof as may be required, and for every copy he shall be entitled to receive five cents for every one hundred words. R.S.O. 1897, c. 60, s. 157.

Procedure upon appeal from Divison Court.

128.—(1) The appellant shall, within two weeks after the date of the decision complained of or within such other time as the Judge may order, file the appeal case with the proper officer of the High Court and shall set down the appeal to be heard at the latest two clear days before the

first sittings of a Divisional Court which commences after the expiration of thirty days from the decision complained of, and shall give notice thereof and of the appeal, stating the grounds thereof, to the respondent, his solicitor or agent, at least seven days before the commencement of such sittings; and the Divisional Court shall have power to dismiss the appeal or to give any judgment and make any order which ought to have been made, or to grant a new trial, and shall give such order or direction to the court below touching the decision or judgment to be given in the matter as the law requires, and may award costs in its discretion which shall be certified to and form part of the judgment of the court below, and upon receipt of such order, direction and certificate, the court below shall proceed in accordance therewith. R.S.O. 1897, c. 60, s. 158. (*Amended.*)

Powers of Divisional Court on appeal.

(2) The Divisional Court shall be deemed to be seized of the appeal if and when the appeal case is filed; and, subject to Rules of Court, may extend the time for setting down the appeal and for giving notice thereof and of the appeal, and for doing any act or taking any proceeding in or in relation to the appeal; and may, if the appeal case is incomplete or inaccurate, direct the same to be amended or to be sent back to the clerk for amendment; and may also allow the notice of appeal to be amended. 4 Edw. VII. c. 12, s. 2.

Stay of proceedings.

(3) After the appeal has been set down to be heard, the execution of the judgment appealed from shall be stayed pending the appeal, unless otherwise ordered by a Judge of the High Court. (*New.*) (*See* Con. Rules Sup. Court, 797.)

Taxable costs on appeal.

129. The costs taxable between party and party of and incidental to an appeal shall be the actual disbursements and no greater amount over and above actual disbursements than $15, inclusive of counsel fee; the costs of an appeal between solicitor and client, shall be taxable on the County Court scale. R.S.O. 1897, c. 60, s. 159.

JURIES.

When a jury may be required.

130. Either party may require a jury in an action of tort or replevin where the sum or the value of the goods sought to be recovered exceeds $20, and in other actions where the amount sought to be recovered exceeds $30, and in interpleader. R.S.O. 1897, c. 60, ss. 160 and 161.

Parties to give notice to Clerk if they require a jury.

131.—(1) Where the plaintiff requires a jury, he shall give notice thereof to the clerk one week before the sittings of the court at which the action is to be tried, and deposit

with him the proper fees for the expenses attending the summoning of the jury; and where a claimant or a defendant requires a jury, he shall, within five days after the day of service of the summons on him, give to the clerk the like notice, and deposit with him the proper fees; and thereupon, in either case, a jury shall be summoned.

When action has been transferred.

(2) In an action transferred from one court to another, either party may require a jury to be summoned by giving to the clerk of the court to which the action has been transferred, three clear days before the sittings of the court at which the case is to be tried, a notice requiring a jury to be summoned, and depositing with him the proper fees for the expenses attending the summoning of the jury. R.S.O 1897, c. 60, s. 162.

Who may be jurors. Rev. Stat. c. 61.

132. Unless exempted by *The Jurors' Act*, every person whose name appears on the last revised voters' list of a municipality partly or wholly within the division who resides therein, and whose name is marked 'J,' shall be liable to serve as a juror for the court of such division. R.S.O. 1897, c. 60, s. 163.

Jurors, how selected and summoned.

133.—(1) The jurors shall be residents of the division and shall be selected from the last revised voters' lists of the municipalities partly or wholly within the division.

(2) Where there has been no previous selection of jurors the manner of selecting them shall be as follows:—

(*a*) The clerk shall begin with the name of the first qualified person on the list of the municipality and proceed with the selection by taking the names in rotation until the requisite number has been selected.

(*b*) Where there are several municipalities the clerk shall begin with the name of the first qualified person on the list of the municipality in which the court is held, taking one name from the list, and then shall take one name from each of the lists of the other municipalities in rotation beginning with that list which contains the greatest number of names of qualified persons and shall repeat the same process until the requisite number has been selected.

Where there has been previous selection of jurors.

(3) Where there has been a previous selection of jurors the clerk shall proceed as provided by the last preceding subsection except that he shall begin where he left off at the next preceding selection, or in the case of a new list as nearly as may be at the place which corresponds with the place where he left off at the previous selection. 5 Edw. VII. c. 13, s. 6. R.S.O. 1897, c. 60, s. 165 (*part*).

(4) If it appears to the Judge that the cost of summoning a jury is excessive, by reason of the residences of the persons liable to be selected being in a distant portion of the division, he may direct the clerk to begin with the name of the first qualified person on the list of any municipality partly or wholly within the division, and proceed as in subsection 2. R.S.O. 1897, c. 60, s. 164. Where cost of summoning jury is excessive.

(5) Where a municipality, partly or wholly within the division, is a party, and the jury would, if selected in ordinary course, be composed of ratepayers of such municipality, the Judge, upon the application of any party, may direct the clerk not to select any juror from the list of such municipality, or may before or at the trial direct that the issues shall be tried and damages be assessed without a jury. 5 Edw. VII. c. 13, s. 6. When municipality is a party.

134. The clerk of every municipality shall furnish each Division Court clerk within whose division the municipality is partly or wholly situate, with a copy of the voters' list of the municipality immediately after the revision of the same in each year. R.S.O. 1897, c. 60, s. 165. Clerk of municipality to furnish Division Court Clerk with copy of voters' list.

135. Sections 132 to 134 shall not apply to a Provisional Judicial District. Sections 132 to 134 not to apply to Provisional Judicial District.

136. Where a jury is required to be summoned, the clerk shall cause not less than twelve of the persons liable to serve as jurors to be summoned, and the summons shall be served at least two days before the court, either personally, or by leaving the same with a grown up person at the residence of the juror, and the summons shall be returned to the clerk with an affidavit of service of the bailiff serving the same . R.S.O. 1897, c. 60, s. 166. Summoning Jurors.

137. Each party shall be entitled to challenge two jurors peremptorily and any juror for cause. R.S.O. 1897, c. 60, s. 167. Parties entitled to challenge.

138. A juror who, after being duly summoned, wilfully neglects or refuses to attend, shall be liable to a fine, in the discretion of the Judge, not exceeding $4, which shall be levied and collected with costs, by the same process as a judgment recovered in the court. R.S.O. 1897, c. 60, s. 168. Penalty on jurors disobeying summons.

139.—(1) If a clerk of a municipality, for six days after demand in writing, neglects or refuses to furnish the clerk of a Division Court, within the limits of which the municipality for which he is clerk, is partly or wholly situate, with a copy of the voters' list as provided in section 134, the clerk of the Division Court may issue a summons to be personally served on the clerk of the municipality, three Proceedings against clerk of municipality for refusing to furnish copy of voters' list.

days at least before the sittings of the court, requiring him to appear at the then next sittings of the court, to shew cause why he refused or neglected to comply with the provisions of the said section. R.S.O. 1897, c. 60, s. 169.

Judge may fine municipal clerk for breach of duty.

(2) Upon proof of the service of the summons, the Judge may, in a summary manner, inquire into the neglect or refusal, or may give further time, and may impose such fine upon the clerk of the municipality, not exceeding $20, as he may deem just, and may order him to pay the costs of the proceedings; and the order of the Judge may be enforced by the same process as a judgment recovered in the court. R.S.O. 1897, c. 60, s. 170.

Judge's list and Jury list.

140.—(1) Actions to be heard by the Judge alone shall be set down in a list separate from the list of those to be tried by a jury, to be severally called "The Judge's List." and "The Jury List," and actions shall be set down in the order in which they were entered with the clerk.

Jury list to be first.

(2) "The Jury List" shall be first disposed of, unless the Judge otherwise directs. R.S.O. 1897, c. 60, s. 171.

Five jurors to be empanelled, etc.

141. Five jurors shall be empanelled and sworn to do justice between the parties whose cause they are required to try, according to the best of their skill and ability, and to give a true verdict according to the evidence, and the verdict of every jury shall be unanimous. R.S.O. 1897, c. 60, s. 172.

Verdict to be unanimous.

Judges may call *tales*.

142.—(1) If the panel is exhausted, the Judge may direct the clerk to summon from the body of the court a sufficient number of disinterested persons to make up a full jury, and any person so summoned may, saving all lawful exceptions and rights of challenge, act as a juror. R.S.O. 1897, c. 60, s. 173.

Judge may order jury to be empanelled to try any disputed fact.

(2) Where the Judge thinks it proper to have the action or any controverted fact tried by a jury, the clerk shall instantly return a jury of five disinterested persons present, to try the same, and the Judge may give judgment on the verdict of the jury.

Fee of juror.

(3) Each juror so called and sworn shall be paid the sum of ten cents, and the money so paid shall be taxed as costs in the cause. R.S.O. 1897, c. 60, s. 174.

Judge may discharge jury not agreeing, etc.

143. If the Judge is satisfied that a jury, after having been out a reasonable time, cannot agree upon their verdict, he may discharge them, and adjourn the trial, and order the clerk to summon a new jury for the next sittings, unless the parties consent that the Judge may give judgment on the evidence already taken, in which case he may give judgment accordingly. R.S.O. 1897, c. 60, s. 175.

144.—(1) In all cases of trial by jury the Judge shall have power to determine after hearing the whole evidence or the evidence adduced on behalf of the plaintiff alone whether there is any evidence in support of the plaintiff's case which ought to be submitted to the jury, and if in his opinion there is no such evidence he may then, or after verdict, if he has reserved his decision, direct a nonsuit or dismiss the action. Power to direct nonsuit or dismiss action.

(2) The Judge may direct the jury to answer any questions of fact stated to them by him and the jury shall answer them, and, subject to the provisions of subsection 1, upon their answers the Judge shall enter such judgment as in his opinion may be proper. Submitting questions to jury.

(3) The Judge shall determine the law and direct the jury thereon. 62 V. (2), c. 11, s. 9. Duty of Judge.

145.—(1) There shall be paid to the clerk, on every action originally entered in his court, in addition to all costs or jury fees payable Fees for jury fund.

(*a*) Where the claim exceeds $20 but does not exceed $60, three cents;

(*b*) Where the claim exceeds $60, but does not exceed $100, six cents;

(*c*) Where the claim exceeds $100, twenty-five cents; and the same shall be taxed and allowed as costs in the cause.

(2) On or before the 15th day of January in every year, the clerk shall return to the treasurer of the county a statement, under oath, shewing the number of actions originally entered in his court during the year previous, in which the claim exceeds $20 but did not exceed $60, the number in which the claim exceeded $60, but did not exceed $100, and the number in which the claim exceeded $100. Return.

(3) He shall, with the statement, pay over to the treasurer the fees payable under this section; and the treasurer shall keep an account of all moneys so received by him under the head of "Division Court Jury Fund." R.S.O. 1897, c. 60, s. 176. Fees to be paid to County Treasurer.

(4) The clerk of every court the limits of which are wholly within a city shall make the return and payment provided for by subsections 2 and 3, to the treasurer of the city, who shall keep an account in the same manner as is provided in the case of a treasurer of a county. Return in cities forming separate divisions.

(5) In the case of cities, other than those provided for by subsection 4, and towns separated from the county, the Other cities and separate towns.

amounts paid in by the clerks and the amount paid by the county treasurer to the clerks for jury fees, shall be taken into account in settling the proportion of the charges to be paid by the city or town towards the cost of administration of justice. R.S.O. 1897, c. 60, s. 177.

Fees of jurors.

(6) The clerk shall pay to every person who has been summoned as a juror, and who attends during the sittings of the court for which he has been summoned, and who does not attend as a witness or as a litigant, the sum of $1; and having so paid the same, the Judge shall so certify to the treasurer, and shall deliver the certificate to the clerk, and the treasurer shall, upon the presentaion of the certificate pay to the clerk the amount which the clerk appears by the certificate to have paid the jurors. R.S.O. 1897, c. 60, ss. 177 and 178.

(7) This section shall not apply to a Provisional Judicial District.

PROCEEDINGS TO GARNISH DEBTS.

Garnishment of debts.

146. Subject to the provisions of section 7 of chapter 156 of the Revised Statutes, 1897, where a debt or money demand of the proper competence of the Division Court, and not being a claim for damages, is due and owing to one party from another, or a judgment of a Division Court remains unsatisfied in whole or in part, and a debt is owing or accruing to the debtor from any other person, the person to whom such first mentioned debt, money demand, or judgment is due and owing (hereinafter called the primary creditor), may attach and recover the debt owing or accruing to his debtor (hereinafter called the primary debtor), from any other person (hereinafter called the garnishee), or sufficient thereof to satisfy the claim of the primary creditor, subject always to the rights of other persons in respect of such debt. R.S.O. 1897, c. 60, s. 179.

As to attachment of wages see R.S.O. 1897, c. 156.

Memorandum on garnishee summons where debt attached is for wages.

147.—(1) In all cases under the provisions of sections 151 and 155, where the debt sought to be garnisheed is for wages or salary, there shall be filed with the clerk an affidavit showing the residence of the primary debtor and the nature of his occupation in the service of the garnishee at the time of the issuing of the summons (if then in such service), and stating whether the debt alleged or adjudged to be due by the primary debtor to the primary creditor was or was not incurred for board or lodging, and there shall also be endorsed upon or annexed to the summons served on the garnishee a memorandum to the like effect, and in the absence of such affidavit or memorandum the debt may be presumed by the granishee not to have been incurred for board or lodging.

(2) If the primary debtor is alleged to be an unmarried person having no family depending on him for support, a statement to that effect verified by affidavit shall be filed with the clerk and the statement shall also be endorsed upon or annexed to the summons served on the garnishee; and in the absence of such affidavit or statement, such person may be presumed by the garnishee to have a family depending on him for support. R.S.O. 1897, c. 60, s. 182. Debts due by unmarried persons.

147*a*. No debt due or accruing to a mechanic, workman, labourer, servant, clerk, or employee for, or in respect of, his wages or salary, shall be liable to seizure or attachment under this Act, or any other Act relating to the attachment or garnishment of debts, unless the debt exceeds the sum of $25, and then only to the extent of the excess. R.S.O. 1897, c. 60, s. 180.

147*b*. Nothing in the next preceding section contained shall apply to any case where the debt has been contracted for board or lodging, and in the opinion of the judge, the exemption of $25 is not necessary for the support and maintenance of the debtor's family, or where the debtor is an unmarried person, having no family depending on him for support, and the debt was contracted on or after the 23rd day of March, 1889. R.S.O. 1897, c. 60, s. 181.

Where the Creditor's Claim is a Judgment.

148. After judgment has been recovered application may be made to the Judge, on behalf of the primary creditor, on affidavit stating when the judgment was recovered, and how much thereof remains unsatisfied, and that the deponent has reason to believe, and does believe, that some one or more persons (naming them, or stating that he is unable to name them) is or are within Ontario, and is or are indebted to the primary debtor, for an order that all debts owing or accruing to the primary debtor, be attached to satisfy the judgment; and the order may be made in the prescribed form. R.S.O. 1897, c. 60, s. 183. Attaching order to be granted on judgment.

149. The service of the order on a garnishee shall have the effect (subject to the rights of other persons) of attaching and binding in his hands all debts then owing or accruing from him to the primary debtor, or sufficient thereof to satisfy the claim of the primary creditor, and payment by the garnishee into court of the debt so attached to the extent to which the judgment is unsatisfied, shall be to that extent a discharge of such debt. R.S.O. 1897, c. 60, s. 184. Service thereof to bind all debts, etc. Garnishee may pay in his own discharge.

150. Payment by the garnishee after service on him of the order, otherwise than into court, except by leave of the Judge, shall to the extent of the primary creditor's claim and costs be void; and the garnishee shall be liable to pay the same again, to the extent of the primary creditor's claim, unless the Judge otherwise orders. R.S.O. 1897, c. 60, s. 185. Payment to any but primary creditor void.

Primary creditor may summon garnishee.

151. Whether an attaching order is or is not made, the primary creditor may cause to be issued out of the court of the division in which the garnishee, or one of them, if there be joint garnishees, resides or carries on business, a summons in the prescribed form, upon or annexed to which shall be a memorandum shewing the names of the parties as designated in the judgment, the date when, and the court in which, it was recovered, and the amount unsatisfied, and the summons shall be returnable either at any ordinary sittings of the court, or at such other time and place (to be named therein) as the Judge may appoint. R.S.O. 1897, c. 60, s. 186.

Mode of service.

152. A copy of the summons and memorandum shall be served on the garnishee, within the time and in the manner provided for the service of a summons in other actions, and also on the primary debtor, unless the Judge otherwise orders. R.S.O. 1897, c. 60, s. 188.

Service on corporation, whose head office is not in the Province.

153. In proceedings under section 151 where the garnishee is a body corporate, not having its chief place of business within Ontario, the summons shall be issued from the court in which the judgment was recovered, or in case the judgment has been transferred, from the court to which it was transferred, and shall be served upon the agent of the body corporate whose office as such agent is nearest to the place where the court is held. R.S.O. 1897, c. 60, s. 187.

Judgment at hearing.

154. At the hearing of the summons, on proof of the amount owing or accruing from the garnishee to the primary debtor, and if no sufficient cause appears why it should not be paid and applied in satisfaction of the judgment, the Judge may give judgment against the garnishee in the prescribed form for the amount owing or accruing from him, or sufficient thereof to satisfy the judgment; and execution against the garnishee may issue thereon, if due, or when and as it becomes due, or at such later period as the Judge may order. R.S.O. 1897, c. 60, s. 189.

Where the Primary Creditor's Claim not a Judgment.

Garnishee summons before judgment.

155.—(1) Where a judgment has not been recovered for the claim of the primary creditor he may cause to be issued out of the court of the division in which the garnishees, or one of them if they are joint garnishees, reside or carry on business, a summons, Form 6, with the particulars of the claim of the primary creditor against the primary debtor with reasonable certainty and detail attached thereto or endorsed thereon, and the summons shall be returnable as provided by section 151. R.S.O. 1897, c. 60, s. 190 (1). (*Amended.*)

(2) As between the primary creditor and the primary debtor the summons shall be deemed a special summons and all provisions of this Act applicable to a special summons and proceedings thereon shall apply. (*New.*) Summons to be deemed special summons.

(3) Where several garnishees reside or carry on business in the same division they may by leave of the Judge be included in the same summons. (*New.*) Several garnishees included in summons.

(4) A copy of the summons and particulars shall be served on the primary debtor and on the garnishee in the manner provided for the service of a summons in other actions. R.S.O. 1897, c. 60, s. 191. Service of summons.

156. Where judgment is obtained against the primary debtor under the provisions of sections 98, 99, or 100, or is obtained at the trial, or where judgment is not then given, on proof of the service on the primary debtor of a copy of the summons and particulars and of the debt due and owing by the primary debtor, the Judge on proof of the amount owing or accruing due to the primary debtor from the garnishee may give judgment against the garnishee in the prescribed form for the amount so owing or accruing from him or sufficient thereof to satisfy the claim of the primary creditor and costs, which sum the garnishee shall pay into court towards the satisfaction of the claim and costs; and, in default, execution may issue therefor if due or as it becomes due or at such later period as the Judge may order. R.S.O. 1897, c. 60, s. 192 (1). (*Amended.*) Judgment against garnishee.

General Provisions.

157.—(1) Whether the claim of the primary creditor is or is not a judgment the garnishee and all other persons in any way interested in or to be affected by the proceeding may show any just cause why the debt sought to be garnisheed should not be paid to or applied in or towards satisfaction of the claim of the primary creditor. All parties interested may show cause.

(2) A garnishee who desires to set up a statutory or other defence or set-off or to dispute or admit liability in whole or in part, shall file with the clerk notice thereof with the particulars of such defence or set-off, or an admission of the amount owing or accruing by him, within eight days after service on him of the summons, and the clerk shall forthwith send by registered post to each of the other parties a copy of such defence, set-off or admission, and the primary creditor may file with the clerk a notice that he admits or disputes the defence or set-off or accepts or disputes the admission of liability. Defences in garnishee proceedings.

(3) The clerk shall forthwith send to the garnishee by registered post a copy of the notice, and in the absence of a Judgment in default of defence.

defence or set-off the Judge may, in his discretion, give judgment against the garnishee; and unless the primary creditor files a notice disputing such defence, set-off or admission of liability, the garnishee shall not be bound to attend at the trial, and the sum admitted to be owing or accruing by him shall be taken to be the correct amount of his liability, unless the Judge shall otherwise order, in which latter case the garnishee shall be notified by the clerk by registered post and shall have an opportunity of attending at a subsequent date and being heard before judgment is given against him.

Costs.

(4) The costs of all notices required to be given under this section, shall be costs in the cause, and in no case shall be payable by the garnishee, unless so ordered by the Judge. R.S.O. 1897, c. 60, s. 193. (*Amended*).

Effect of service on garnishee.

158. Service of a summons on the garnishee shall have the same effect and consequences as service of an attaching order. R.S.O. 1897, c. 60, s. 194, 195. (*Amended.*)

Costs of garnishee proceedings.

159. In giving judgment for the primary creditor, the Judge may award to him the costs of the proceedings out of the amount found due from the garnishee to the primary debtor. R.S.O. 1897, c. 60, s. 197. (*Amended.*)

Application to discharge debt from attachment.

160.—(1) Upon the application of a person entitled to or interested in any debt attached or bound in the hands of a garnishee made at any time before actual payment out of court to the primary creditor, the Judge may order that such debt be discharged from the claim of the primary creditor.

Order after money paid out of court.

(2) A like order may be made, after the debt has been paid out of court to the primary creditor, in which case all parties shall be remitted to their original rights in respect thereto, except as against the garnishee, whose payment shall not be affected thereby, but shall be and remain an effectual discharge to him. R.S.O. 1897, c. 60, s. 200.

Security from primary creditor.

161.—(1) The Judge may, before giving judgment against the garnishee, or at any time before actual payment out of court to the primary creditor, order such security as may be approved by him or by the clerk, to be given by or on behalf of the primary creditor, to abide any order which may be made for repayment.

Effect of bond.

(2) The bond shall be to the clerk by his name of office, and shall enure for the benefit of all persons interested in or entitled to the debt, and by leave of the Judge, and on such terms as he may impose, may be sued on in the name of the clerk for the time being, for the benefit of such persons. R.S.O. 1897, c. 60, s. 201.

Case of adverse claims.

162.—(1) Where a person other than the primary creditor or primary debtor claims to be entitled to the debt owing or accruing from the garnishee or any part thereof by assignment or otherwise, the Judge, after notice to all persons interested, may enquire into and decide upon the claim as the justice of the case may require. R.S.O. 1897, c. 60, s. 202.

Right to jury in certain cases.

(2) Where the amount claimed by any such person exceeds $30, the provisions of section 130 and the following sections relating to juries shall apply so as to give any party to the proceeding a right to require a jury. 62 V. (2), c. 11, s. 10.

Judge may postpone or adjourn proceedings.

163. The Judge may adjourn from time to time the hearing and other proceedings in garnishee cases, to allow time for giving omitted notices, or to produce further evidence, or for any other purpose, may require service on, and notice to other or additional persons, and may prescribe a form for any proceeding. R.S.O. 1897, c. 60, s. 203.

Debt attachment book.

164. The clerk shall keep in his office a debt attachment book, according to the prescribed form, in which shall be entered the names of the parties, the dates, statements, amounts and other proceedings, as indicated by the form; and copies of any entries made therein may be taken by any one free of charge. R.S.O. 1897, c. 60, s. 204.

ARBITRATION.

Reference to arbitration by order of Judge or by consent.

165.—(1) The Judge, with the consent of the parties, or their agents, may order the action, with or without other matters in dispute between the parties, being within the jurisdiction of the court, to be referred to the arbitration of such person or persons and in such manner and on such terms as he may deem just.

Reference by agreement.

(2) The parties to an action may by writing, signed by themselves or their agents, agree to refer the matters in dispute to the arbitration of a person or persons named in the agreement.

Agreement to be filed.

(3) The agreement shall be filed with the clerk, and entered in the Procedure Book, as notices are entered. R.S.O. 1897, c. 60, s. 206.

Revocation of reference.

166. The reference shall not be revocable by either party except by leave of the Judge. R.S.O. 1897, c. 60, s. 207.

Award to be entered as the judgment.

167. The award shall be entered by the clerk as the judgment in the action, and he shall forthwith give notice thereof to the parties. R.S.O. 1897, c. 60, s. 208.

Judge may set aside award.

168.—(1) The Judge, on application to him within fourteen days after the entry of the award, may set it aside and remit the maters referred to the same arbitrator or arbitrators or may order another reference to be made in the manner aforesaid. R.S.O. 1897, c. 60, s. 209.

Application after time limited.

(2) If reasonable excuse for the delay is shown to the satisfaction of the Judge the application may be made at any time within fourteen days after the expiration of the first mentioned fourteen days.

Arbitrators may administer oaths.

169. An arbitrator may adminster an oath to the parties, and to the witnesses examined before him. R.S.O. 1897, c. 60, s. 210.

CONFESSIONS OF DEBT.

Clerks and bailiffs may take confessions.

170.—(1) A clerk or bailiff, may take a confession or acknowledgment of debt from a defendant, in the prescribed form which shall be witnessed by the clerk or bailiff at the time of the taking thereof; and upon the production of the confession or acknowledgment to the Judge, and proof thereof by the oath of the clerk or bailiff the Judge may order that judgment be entered thereon. R.S.O. 1897, c. 60, s. 211.

Affidavit required in such cases.

(2) The oath shall state that the party making it has not received, and that he will not receive, anything from the plaintiff or defendant, or any other person, except his lawful fees, for taking the confession or acknowledgment, and that he has no interest in the demand sought to be recovered. R.S.O. 1897, c. 60, s. 212.

COSTS.

Judge's authority as to costs.

171.—(1) Unless otherwise provided, the costs of and incidental to all actions shall be in the discretion of the Judge who shall have full power to determine by whom and to what extent costs shall be paid.

Costs to abide event except by order.

(2) If the Judge does not make an order as to costs they shall abide the event of the action.

Allowance to defendant for attendance.

(3) Where the plaintiff does not appear or does not prove his claim the Judge may award to the defendant a sum for his trouble and attendance not exceeding what he would be entitled to if a witness on his own behalf, to be recovered by execution.

Costs when action fails for want of jurisdiction.

(4) Where the plaintiff fails to recover judgment by reason of the court not having jurisdiction, the Judge shall nevertheless have the power conferred by subsection (1), and the recovery of the costs awarded may be enforced by

the same remedies by which costs of proceedings within the proper competence of the court are recoverable. R.S.O. 1897, c. 60, s. 213.

Counsel fees.

172. Where in a contested action for more than $100, and in the cases mentioned in clauses (*b*) and (*c*) of section 125 where a counsel, solicitor or agent has been employed by the successful party in the conduct of the cause or defence, the Judge may direct a sum of $5, to be increased according to the difficulty and importance of the case to not more than $10, to be allowed to the successful party, and the same shall be added to the costs. R.S.O. 1897, c. 60, s. 214.

Costs of witnesses in certain cases.

173. Where the defendant having disputed the plaintiff's claim afterwards and before the opening of the court confesses judgment or pays the claim so short a time before the sittings of the court that the plaintiff cannot in the ordinary way be notified thereof, and without such notice the plaintiff *bona fide* and reasonably incurs expenses in procuring witnesses or in attending at court, the Judge may order the defendant to pay such costs or such portion thereof as to him may seem just. R.S.O. 1897, c. 60, s. 215.

JUDGMENT AND EXECUTION.

When money not paid, pursuant to order, execution to issue.

174.—(1) Where the Judge gives judgment or makes an order for the payment of money, and default is made in payment of the whole or of any part thereof, the party in whose favour the order has been made shall be entitled to execution against the goods and chattels of the party in default.

Form of execution.

(2) The clerk, at the request of the party prosecuting the judgment or order, shall issue an execution, Form 4, to a bailiff of the court, or to a bailiff of any other court within the county, who by virtue thereof shall levy by distress and sale of the goods and chattels of the party in default such sum and costs, with interest thereon from the date of the order or of the entry of the judgment as have been ordered to be paid and remain due, and shall pay the same over to the clerk. R.S.O. 1897, c. 60, s. 218.

Cross judgments may be set off.

175. If there are cross judgments between the parties, the party who has obtained judgment for the larger sum shall have execution for the excess and satisfaction for the remainder, and also satisfaction on the judgment for the smaller sum shall be entered; and if both sums are equal, satisfaction shall be entered upon both judgments. R.S.O. 1897, c. 60, s. 219.

Writs of execution where to be executed.

176. Except in actions brought under section 73, an execution or attachment shall not be executed out of the limits of the county over which the Judge of the court from which the same issues has jurisdiction. R.S.O. 1897, c. 60, s. 220.

Effect of payment of execution before sale.

177. Where the party against whom an execution has been issued, pays or tenders to the clerk or to the bailiff before an actual sale of his goods and chattels, the amount to be levied, or so much thereof as the party in whose favour the execution has issued agrees to accept in full of his debt together with the fees to be levied, the execution shall thereupon be superseded, and the bailiff shall withdraw from possession. R.S.O. 1897, c. 60, s. 222.

Clerk to give notice to plaintiff of return of *nulla bona* in case of execution on a transcript of judgment.

178.—(1) The clerk immediately after a return of *nulla bona* has been made to an execution issued on a transcript of judgment shall forward by registered post to the plaintiff and to the clerk who issued the transcript a notice informing them of the date at which the execution issued, the date at which it was returned by the bailiff, and the return made.

Registration certificate to be filed.

(2) The clerk shall file among the papers in the action the post-office certificate of registration, and the absence from amongst the papers of the certificate shall be *prima facie* evidence against the clerk that the notice was not forwarded. R.S.O. 1897, c. 60, s. 225.

Enforcing claims under Creditors' Relief Act in Division Courts. Rev. Stat. c. 78.

179. Where a memorandum of the amount of a judgment or execution or a certificate of a claim within the jurisdiction of a Division Court is filed with a sheriff under *The Creditors' Relief Act*, and the amount is not paid in full, and the sheriff is unable to make the money thereon, the creditor may obtain from the sheriff a return according to the fact, and file the same with the clerk of the court in which the judgment was recovered, or in the case of a certificate of a claim with the clerk of the court of the division where the cause of action arose, or the debtor, or one of the debtors, if more than one, resides, and the clerk shall enter the return in his Procedure Book, and in the latter case the claim shall thereupon become a judgment of the court for the unpaid balance due thereon appearing by the return, and may be enforced in the same manner as a judgment of the Division Court. R.S.O. 1897, c. 60, s. 224.

Revivor of judgment in case of death of party.

180. In the case of the death of either or both of the parties to a judgment, the party in whose favour the judgment has been entered, or his personal representative in case of his death, may in the prescribed form revive the

judgment against the other party, or his personal representative in case of his death, and may issue execution thereon. R.S.O. 1897, c. 60, s. 226.

Execution, when dated and returnable.

181.—(1) Every execution against goods shall bear the date of its issue, and shall be returnable immediately after the execution thereof, and if unexecuted shall remain in force for six months only unless renewed, but may be renewed from time to time in the prescribed manner by the clerk, at the instance of the execution creditor, for six months from the date of the renewal. R.S.O. 1897, c. 60, s. 227.

Renewable.

Priority of execution.

(2) The execution so renewed shall have effect and be entitled to priority according to the time of the original delivery thereof to the bailiff. (*New.*)

Judge may order an execution to issue before regular day.

182. Where the Judge is satisfied by the oath of the execution creditor or by other testimony that he will be in danger of losing the amount of the judgment if compelled to wait till the day appointed for the payment thereof before an execution can issue, the Judge may order an execution to issue at such time as he may deem just. R.S.O. 1897, c. 60, s. 229.

Executions against lands.

183.—(1) Where an execution against goods is returned *nulla bona*, and the sum remaining unsatisfied on the judgment amounts to the sum of $40 or upwards, the judgment creditor shall be entitled to an execution, Form 5, against the lands of the judgment debtor, and the clerk, at the request of the party prosecuting the judgment, shall issue an execution against the lands of the judgment debtor directed to the sheriff of any county.

Effect of execution.

(2) The execution shall have the same force and effect as an execution issued from a County Court.

Sheriff's return to be made to Clerk.

(3) The sheriff shall make a return thereof, and pay any money made thereon to the clerk of the court out of which the execution issued.

Further proceedings by execution creditor.

(4) Until the judgment is fully satisfied, the execution creditor may, subject to section 184, pursue the same remedy for the recovery thereof as if the judgment had been obtained in the County Court. R.S.O. 1897, c. 60, s. 230.

Duration and renewal of writ.

(5) The writ, if unexecuted, shall remain in force for three years only from its issue unless renewed, but may be renewed from time to time in the prescribed manner by the clerk at the instance of the execution creditor for three years from the date of the renewal.

Formal effect of renewal.

(6) The execution may be renewed by being marked on the margin with a memorandum signed by the clerk stat-

ing the day, month and year of the renewal and a writ so renewed shall have effect and be entitled to priority according to the time of the original delivery thereof to the sheriff. Consolidated Rules of Supreme Court, 872.

Evidence of renewal.

(7) The production of an execution purporting to be marked with the memorandum shall be *prima facie* evidence of its having been renewed. Consolidated Rules of Supreme Court, 873.

Fees on writ against lands.

(8) The sheriff shall be entitled to the same fees as upon a writ of execution against lands issued from a County Court. R.S.O. 1897, c. 60, s. 232.

Further proceedings after execution against lands issued.

184. After an execution against lands has been issued under the next preceding section, no further proceedings shall be had in the court out of which the execution issued, without an order of the Judge, unless the judgment creditor or his agent makes and files with the clerk an affidavit stating:—

(*a*) That the judgment remains unsatisfied in whole or in part;

(*b*) The amount, if any, which has been paid upon the judgment;

(*c*) That execution against lands has been returned unsatisfied, or that he believes the judgment debtor has not sufficient lands in the county to the sheriff of which the execution was directed to satisfy the judgment. R.S.O 1897, c. 60, s. 231.

Bailiff after seizure of goods to indorse date of seizure and give notice of sale.

185. The bailiff, after making a seizure under an execution against goods, shall endorse thereon the date of the seizure, and shall immediately, and at least eight days before the time appointed for the sale, put up at three of the most public places in the division where any property liable to be sold under the execution has been taken, public notice signed by himself, of the time and place within the division when and where it will be exposed for sale; and the notice shall describe the property taken. R.S.O. 1897, c. 60, s. 238.

Goods not to be sold till eight days after seizure.

186. The property so taken shall not be sold until the expiration of eight days at least next after the seizure thereof, unless upon the request in writing under the hand of the party whose property has been seized. R. S. O. 1897, c. 60, s. 239.

Bailiff and other officers not to purchase goods seized.

187. A clerk, bailiff or other officer of the court shall not, directly or indirectly, purchase any property at any sale made by a bailiff under legal process, and every such purchase shall be absolutely void. R.S.O. 1897, c. 60, s. 240.

Right of bailiff to fees on execution, etc., when action settled or assignment made.

188. Where a bailiff has seized property under an execution or attachment, and the action is afterwards settled between the parties, or the defendant makes an assignment for the general benefit of his creditors, the bailiff, until his fees and disbursements are fully satisfied, shall have a lien therefor upon so much of the property as will reasonably satisfy the same; but in the event of a dispute as to the proper amount of the fees and disbursements, the amount claimed therefor may be paid into court until the proper amount shall be certified by the Judge, and on such payment into court the lien shall cease. R.S.O. 1897, c. 60, s. 241.

Transcript.

Clerk of any court in which judgment entered to prepare transcript thereof, to transmit to any other Division Court.

189.—(1) The clerk upon the application of a person having an unsatisfied judgment in his favour, shall prepare a transcript of the judgment in the prescribed form, and shall send the same to the clerk of any other Division Court, whether in the same or any other county, with a certificate at the foot thereof signed by him, sealed with the seal of the court, and addressed to the clerk of the court to whom it is to be sent, stating the amount unpaid upon the judgment, the date at which the same was recovered, and the post-office address of the person applying for the transcript; and the clerk to whom the certificate is addressed shall, on the receipt of the transcript and certificate, enter the transcript and the amount due on the judgment according to the certificate, in a book to be kept in his office for the purpose; and all proceedings may be taken for enforcing the judgment in such last mentioned court.

Proceedings stayed in office from which transcript of judgment is issued.

(2) After a transcript has been issued under this section, no further proceedings shall be had in the court from which the transcript issued without an order from the Judge, unless the person who obtained the transcript or his agent, shall make and file with the clerk an affidavit stating:—

(*a*) That the judgment remains unsatisfied in whole or in part;

(*b*) That the execution issued out of the court to which the transcript was sent has been returned *nulla bona*, or that he believes the judgment debtor has not sufficient goods in the division of that court to satisfy the judgment,

Fines, how disposed of.

and upon the affidavit being filed, the clerk may issue such other process as the applicant may be entitled to and may direct. R.S.O. 1897, c. 60, s. 223.

DEATH, ETC., OF BAILIFF WHILE EXECUTION OR ATTACHMENT UNEXECUTED.

Continuation of proceedings after death of bailiff.

190.—(1) In the event of the death, resignation, suspension or removal of a bailiff, after action taken by him under an execution or attachment, the proceedings may be continued by his successor.

Securities given to the bailiff.

(2) The benefit of all securities given to the bailiff shall enure to his successor in office. R.S.O. 1897, c. 60, s. 242.

EXAMINATION OF JUDGMENT DEBTORS.

Judgment debtors may be examined at the instance of their creditors.

191.—(1) A party having an unsatisfied judgment may procure from the court out of which execution might issue, if the judgment debtor resides or carries on business within the limits of that court, a summons in the prescribed form.

Affidavit required before judgment summons.

(2) Before the summons is issued the judgment creditor, or his agent, shall make and file with the clerk an affidavit stating:—

(*a*) That the judgment remains unsatisfied in whole or in part; and

Examination of judgmeni debtor.

(*b*) That the deponent believes that the judgment debtor sought to be examined is able to pay the amount due in respect of the judgment or some part thereof, or that he has rendered himself liable to be committed to gaol under this Act.

(3) The summons shall be served personally upon the judgment debtor, and if he appears he may be examined upon oath as to any and what debts are owing to him and touching his estate and effects, and the manner and circumstances under which he contracted the debt or incurred the damages or liability which formed the subject of the action and as to the means and expectation he then had and as to the property and means he still has of discharging the judgment debt, and as to the disposal he has made of any property.

Examination of witnesses.

(4) The party obtaining the summons and all witnesses whom the Judge thinks requisite may be examined upon oath, touching the inquiries. R.S.O. 1897, c. 60, s. 243.

The examination to be in Judge's chamber.

(5) The examination shall not be held in open court unless the Judge so directs. R.S.O. 1897, c. 60, s. 244.

(6) The costs of the summons and of all proceedings thereon shall be costs in the action, unless the Judge otherwise directs. R.S.O. 1897, c. 60, s. 245. Costs.

(7) If after the examination the Judge makes no order against the party examined, no further summons shall issue out of the same court against him at the suit of the same or any other creditor, except upon an affidavit satisfying the Judge that since the examination the party has acquired the means of paying, or upon facts not before the court upon the examination that he did not then make a full disclosure of his estate, effects and debts. R.S.O. 1897, c. 60, s. 246. Partly examined and discharged not to be again summoned. Exception.

When judgment debtor may be committed to gaol.

192. If the party summoned—

(*a*) Does not attend as required by the summons, or give a sufficient reason for not attending, or R.S.O. 1897, c. 60, s. 247 (1);

(*b*) Attends and refuses to be sworn or to answer such questions as in the opinion of the Judge are proper. 61 V. c. 15, s. 3;

or, if appears to the Judge, by the examination of the party or by other evidence, that he,

(*c*) Obtained credit from the judgment creditor or incurred the debt or liability under false pretences, or by means of fraud or breach of trust; or

(*d*) Has made or caused to be made any gift, delivery or transfer of any property, or has removed or concealed the same with intent to defraud his creditors or any of them, or R.S.O. 1897, c. 60, s. 247 (4);

(*e*) Had, when or since judgment was obtained against him sufficient means and ability to pay the debt or damages or costs recovered against him, either altogether or by the instalments which the court in which the judgment was obtained ordered without depriving himself or his family of the means of living, and that he has wilfully refused or neglected to pay the same as ordered,

the Judge may order him to be committed to the common gaol of the county in which he resides or carries on business for any period not exceeding forty days. 61 V. c. 15, s. 4.

In what cases only the party summoned may be committed for

193.—(1) A party failing to attend shall not be liable to be committed for the default, unless the Judge is satisfied that his non-attendance is wilful.

non-attendance: costs allowed him in certain cases.

(2) If at the hearing it appears to the Judge by the examination of the party or otherwise that he ought not to have been summoned, or if the judgment creditor or his agent does not appear, the Judge shall award the party summoned compensation for his trouble and attendance, to be recovered against the judgment creditor in the same manner as a judgment of the court. R.S.O. 1897, c. 60, s. 248; 2 Edw. VII. c. 12, s. 12.

Judgment summons where principal and interest sued for separately.

194. Where a judgment has been recovered in an action which, but for subsection 2 of section 79, could not have been recovered in the Division Court, the judgment debtor shall not be committed where a judgment debtor could not have been committed upon or in respect of a judgment recovered in a higher court, or upon or by reason of an examination upon such a judgment. 61 V. c. 15, s. 2.

Warrant of Commitment.

195.—(1) Where an order of commitment has been made, the clerk shall issue, under the seal of the court, a warrant of commitment in the prescribed form directed to the bailiff of any court within the county, upon which shall be endorsed a memorandum of the amount upon payment of which the party is entitled to be discharged from custody, and the bailiff may by virtue of the warrant take the party, and deliver him to the keeper of the gaol in which he has been directed to be imprisoned. R.S.O. 1897, c. 60, s. 249.

Constables, etc., to execute warrants.

(2) All constables and other peace officers within their respective jurisdictions shall aid in the execution of the warrant, and the keeper of the gaol shall receive and keep the party therein until discharged under the provisions of this Act or otherwise in due course of law. R.S.O. 1897, c. 60, s. 250.

When debtor in custody shall be discharged.

196. A party may be discharged out of custody,

(*a*) By order of the Judge, or

(*b*) When he has paid to the keeper of the gaol the amount endorsed on the warrant, or

(*c*) Upon the certificate of the clerk that such amount has been paid to him. R.S.O. 1897, c. 60, s. 251, (*Amended.*)

Judge may rescind order and may alter and modify the same.

197. The Judge may rescind or alter the order for payment, and make any further or other order for the payment of the debt or damages recovered and costs forthwith, or by instalments, or in any other manner that he thinks reasonable. R.S.O. 1897, c. 60, s. 252.

Debt not to be extinguished by imprisonment.

198. Imprisonment under this Act shall not extinguish the judgment, or protect the judgment debtor from being

summoned anew and imprisoned for any new fraud or other default rendering him liable to be imprisoned or deprive the judgment creditor of the right to execution on his judgment. R.S.O. 1897, c. 60, s. 254.

Annual return of commitment of judgment debtors.

199. Every clerk, on or before the 15th day of January in every year, shall make to the Inspector a return shewing the number of judgment debtors who, during the twelve months ending the 31st day of December next preceding, were ordered to be committed under each of the heads mentioned in section 192. R.S.O. 1897, c. 60, s. 256.

ABSCONDING DEBTORS.

Absconding debtors.

200. Where a person indebted in a sum not less than $4, either for debt or damages arising upon a contract, and recoverable in or upon a judgment of a Division Court,

(*a*) Absconds from Ontario, leaving personal property liable to seizure under execution for debt in any county; or

(*b*) Attempts to remove such personal property out of Ontario or from one county to another therein with intent to defraud; or

(*c*) Keeps concealed to avoid service of process,

Warrant for attachment.

the clerk of any Division Court, upon the application of the creditor, and upon his filing an affidavit in the prescribed form made by him, his agent, or servant, shall issue a warrant in the prescribed form, directed to the bailiff of the court from which the same issued, or to a constable of the county, commanding him to attach, seize, take and safely keep all the personal estate and effects of such person within the county, liable to seizure under execution for debt, or a sufficient part thereof to secure the sum mentioned in the warrant with costs, and to return the warrant forthwith to the court. R.S.O. 1897, c. 60, s. 257. (*Amended.*)

When County Judge or Justice of the Peace may issue attachments, etc.

201. The affidavit in the next preceding section mentioned may be taken before a Judge or a Justice of the Peace, and upon the same being filed with him, he may issue a warrant under his hand and seal in the form mentioned in the next preceding section, and he shall forthwith transmit the affidavit to the clerk of the court within whose division the same was taken, to be by him filed. R.S.O. 1897, c. 60, s. 258.

Bailiff or constable to seize and make inventory.

202. Upon receipt of a warrant by the bailiff or constable, and upon being paid his lawful fees, including the fees for appraisement, he shall forthwith execute the war-

rant, and make a true inventory of all the estate and effects which he seizes and takes by virtue thereof, and shall, within twenty-four hours after seizure, call to his aid two freeholders, who being first sworn by him to appraise the estate and effects seized, shall then appraise the same and the bailiff or constable shall forthwith return the inventory attached to the appraisement to the clerk. R.S.O. 1897, c. 60, s. 259.

Proceedings may be continued in court out of which attachment issued.

203. In an action commenced by attachment the proceedings may be conducted to judgment and execution in the court of the division within which the warrant issued. R.S.O. 1897, c. 60, s. 260.

Proceedings commenced before attachment to continue.

204. Where proceedings have been commenced before the issue of an attachment they may be continued to judgment and execution in the court in which the proceedings were commenced. R.S.O. 1897, c. 60, s. 261.

Property attached may be sold under execution.

205. The property attached upon a warrant of attachment shall be liable to seizure and sale under the execution to be issued upon the judgment, and if the property was perishable, and has been sold, the proceeds thereof shall be applied in satisfaction of the judgment. R.S.O. 1897, c. 60, s. 262.

Plaintiff not to divide cause of action.

206. A plaintiff shall not divide a cause of action into two or more actions for the purpose of bringing the same within the provisions of the next six preceding sections, but a plaintiff having a cause of action for which but for the amount of the claim an attachment might be issued, may abandon the excess, and the judgment shall be a full discharge of all demands in respect of the cause of action, and the entry of judgment shall be made accordingly. R.S.O. 1897, c. 60, s. 263.

If several attachments issued.
Rev. Stat. c. 79.

207. Subject to the provisions of *The Absconding Debtors' Act*, where there are several attachments against a party, the proceeds of the property attached shall not be paid over to the attaching creditors according to priority, but shall be rateably distributed among such of them as obtain judgment against the debtor, in proportion to the amounts actually due upon their judgments; and no distribution shall take place until, in the opinion of the Judge, reasonable time has been allowed to the creditors to proceed to judgment. R.S.O. 1897, c. 60, s. 264.

If goods insufficient to satisfy claims of all attaching creditors.

208. Where the proceeds of the property are insufficient to satisfy the claims of all the attaching creditors, a creditor shall not be allowed to share unless he sued out his attachment, and gave notice thereof to the clerk of the

court out of which the first attachment issued or into which it was returnable, within one month next after the issue of the first attachment. R.S.O. 1897, c. 60, s. 265.

Goods seized by Constable to be delivered to Bailiff.

209.—(1) Where property is attached under the provisions of the next nine preceding sections by a constable, it shall forthwith be handed over to the bailiff of the court out of which the warrant of attachment issued, or into which it was made returnable.

Custody of goods seized under attachment.

(2) Property attached by a bailiff under the provisions of the next nine preceding sections, and the property delivered to him under the provisions of subsection (1), shall remain in custody of the bailiff; and he shall keep it until disposed of according to law. R.S.O. 1897, c. 60, s. 266.

On what terms goods attached may be restored.

210.—(1) Where a person against whom an attachment has issued, or any person on his behalf, executes and files in the court to which the attachment, or first attachment if there are more than one, has been returned, or is returnable, a bond with good and sufficient sureties, to be approved by the Judge or clerk, binding the obligors, jointly and severally, to the clerk, in double the appraised value of the property attached, with a condition that the debtor (naming him) will, whenever thereunto required by order of the Judge pay into court a sum sufficient to satisfy the claims of all creditors who may be entitled to share in the proceeds of the property or the value of the property attached, or will produce the property, to satisfy the judgments, the clerk may supersede the attachment, and the property attached shall be restored. R.S.O. 1897, c. 60, s. 267.

Sale of goods if the debtor does not appear and give security.

(2) Subject to the provisions of section 207, if within one month after the property has been attached, the person against whom the attachment has issued, or some person on his behalf, does not appear and give such bond, execution may issue as soon as judgment has been recovered and the property attached, or so much thereof as may be necessary to satisfy the judgment and costs may be sold for the satisfaction thereof, or if the property has been previously sold as perishable so much of the proceeds thereof as may be necessary may be applied to satisfy the judgment and costs. R.S.O. 1897, c. 60, s. 268.

Perishable goods.

Proceedings against debtors where process not previously served.

211.—(1) Where a summons has not been served before the issue of a warrant of attachment it may be served personally or by leaving a copy at the last place of abode or business of the defendant, with any grown person residing there, or by leaving the copy at such place if no grown person be there found.

(2) If it appears to the Judge at the trial that the creditor who sued out an attachment had not reasonable

or probable cause for taking the proceedings, the Judge shall order that no costs be allowed to the creditor. R.S.O. 1897, c. 60, s. 270.

Perishable goods how disposed of. Rev. Stat., c. 79.

212. Subject to the provisions of *The Absconding Debtors' Act*, where perishable property has been attached, the bailiff who has the custody thereof (the same having been first appraised), may, at the request of the attaching creditor, expose and sell the same at public auction to the highest bidder, giving at least eight days' notice at the office of the clerk and two at two other public places within his division of the time and place of sale if the property attached will admit of being so long kept, otherwise he may sell the same at his discretion. R.S.O. 1897, c. 60, s. 271.

Creditors before sale to give bond to indemnify the defendant.

213.—(1) It shall not be compulsory upon the bailiff or constable to attach, or upon the bailiff to sell perishable property until the attaching creditor has given a bond to the defendant, with good and sufficient sureties to the satisfaction of the bailiff in double the amount of the appraised value of the property, conditioned that the attaching creditor will repay the value thereof, together with all costs and damages incurred in consequence of the attachment and sale in case judgment be not obtained by him, and the bond shall be filed with the clerk. R.S.O. 1897, c. 60, s. 272.

Application of proceeds of sale.

(2) The moneys made shall be paid over by the bailiff to the clerk, to be dealt with in the manner hereinbefore provided. R.S.O. 1897, c. 60, s. 273.

Enforcing security given under Act.

214.—(1) A bond given in the course of any proceeding under this Act may be sued on in any Division Court of the county wherein the same was executed, notwithstanding that the penalty in the bond may exceed the sum of $100. R.S.O. 1897, c. 60, s. 274.

Delivery of bond to party entitled.

(2) The bond shall be delivered to any person entitled to it, upon the order of the Judge, to be enforced or cancelled as the case may require. R.S.O. 1897, c. 60, s. 275.

CLAIMS OF LANDLORDS AND OTHERS IN RESPECT TO GOODS SEIZED.

Interpretation

215. In this and the next following six sections,

"Landlord."

(*a*) The word "landlord" shall include the person entitled to the immediate reversion of land, or if it be held in joint tenancy, coparcenary or tenancy in common, any one of the persons entitled to the reversion; and

(*b*) The word "agent" shall mean any person usually employed by the landlord in the letting of land or in the collection of the rents thereof, or specially authorized by writing under the hand of the landlord to act in any particular matter. R.S.O. 1897, c. 60, s. 276. "Agent."

Claims of landlords, etc., to goods seized in execution, how to be adjusted.

216.—(1) Where a claim is made to or in respect of property or security taken in execution or attached under the process of a Division Court, or the proceeds or value thereof, by a landlord for rent, or by a person other than the party against whom the process issued, then, subject to the provisions of *The Absconding Debtors Act*, upon application of the bailiff or officer charged with the execution of the process, either before or after an action has been brought against him, the clerk shall issue a summons calling before the court out of which the process issued, or the court for the division in which the seizure or attachment under the process was made, the party who issued the process and the person making the claim, and thereupon any action which has been brought in the High Court or in any other court in respect of the claim, shall be stayed. Rev. Stat. c. 79.

Costs.

(2) The Court in which the action has been brought, or a Judge thereof, on proof of the issue of the summons and that the property or security was taken in execution or upon attachment, may order the party bringing the action to pay the costs of all proceedings had in the action after the issue of the summons out of the Division Court.

County Judge to adjudicate on claims.

(3) The Judge shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings as to him may seem just, and shall also adjudicate between the parties, or either of them, and the bailiff or officer in respect of any claim for damages arising out of the execution of the process by the bailiff or officer, although the amount of the damages claimed or awarded is beyond the jurisdiction of a Division Court, and may make such order in respect thereof, and of the costs of any proceedings as to him may seem just;

Enforcing order.

(4) The order may be enforced in like manner as an order made in an action.

New trial.

(5) The Judge, upon the application of the execution or attaching creditor or the claimant, or the bailiff or officer, may grant a new trial as in other cases, and may in the meantime stay proceedings.

Where more than one execution or attachment has issued.

(6) Where the bailiff or officer has executions or attachments for different persons against the same property it shall not be necessary to make a separate application on each execution or attachment; but he may use the names

of the execution or attaching creditors collectively, in the application, and the summons may issue in the name of the creditors as plaintiffs.

Rights of parties as to defence and as to costs.

(7) The parties and the bailiff or officer shall have the same rights of defence and counterclaim, including in all cases the right and liability to costs, as would exist had an action within the jurisdiction of the court been brought to recover the damages. R.S.O. 1897, c. 60, s. 277.

Provisions in relation to rents due to landlords.

217.—(1) The landlord of a tenement in or upon which property is taken under an execution, may, by notice in writing signed by himself or his agent, stating the terms of the holding and the rent payable, delivered to the bailiff or officer making the levy, claim any rent due and in arrear at the time of the taking in execution not exceeding the rent of four weeks where the tenement has been let by the week, and not exceeding the rent for two terms of payment where the tenement has been let for any other term less than a year, and not exceeding in any case the rent for one year.

Notice of claim for rent.

(2) Notice of the claim may be given at any time before the return of the process, notwithstanding that the property may in the meantime have been removed from the premises upon which it was seized, and where the property of a tenant is sold within ten days after seizure, the money realized shall remain in court until the expiration of the ten days to answer the claim of the landlord; and where the money has been paid into court the notice may be directed to the clerk with like effect as if given to the bailiff or officer, before the sale of the property seized. R.S.O. 1897, c. 60, s. 278.

How the bailiff is to proceed.

(3) The bailiff or officer making the levy shall also distrain for the amount of the rent claimed, and the costs of the distress, but shall not sell the property, or any part thereof, until after the expiration of eight days after the distress. R.S.O. 1897, c. 60, s. 279.

Fees of bailiff in such cases.

Rev. Stat. c. 75.

(4) For every distress for rent in arrear the bailiff or officer shall be entitled to have as costs of the distress, instead of the fees allowed by this Act, the fees allowed by *The Costs of Distress Act*. R.S.O. 1897, c. 60, s. 280.

If replevin made.

(5) If any replevin is made of the property distrained, so much of the property taken under the execution shall be sold as will satisfy the money and costs for which the execution issued and the costs of the sale, and the surplus of the sale, if any, and the property so distrained shall be returned as in other cases of distress for rent and replevin. R.S.O. 1897, c. 60, s. 281.

(6) An execution creditor shall not have his debt satisfied out of the proceeds of the execution and distress, or of the execution only, where the tenant replevies, until the landlord who conforms to the provisions of this Act has been paid the rent in arrear for the periods hereinbefore mentioned. R.S.O. 1897, c. 60, s. 282. When landlord's claim to rent is to be first paid.

OFFENCES AND PENALTIES.

Contempt of Court.

218. If a person wilfully insults the Judge or any officer of a Division Court during his sitting or attendance in court, or interrupts the proceedings of the court, or creates a disturbance within the court room or within hearing of the court, any bailiff or officer of the court may, by direction of the Judge, take the offender into custody and bring him before the Judge, and the Judge may impose upon him a fine not exceeding $20, and in default of immediate payment may by warrant under his hand and seal commit the offender to the common gaol of the county for a period not exceeding one month unless the fine and costs with the expense attending the commitment are sooner paid. R.S.O. 1897, c. 60, s. 283. Contempt of Court.

Resisting Officers.

219.—(1) If a person interferes with a bailiff or officer (or his deputy or his assistant) while in the execution of his duty, or makes or attempts to make a rescue of any property seized or attached under process of the court, he shall incur a penalty not exceeding $20, to be recovered by order of the court, or on summary conviction before a Justice of the Peace, and shall also be liable to be imprisoned, by order of the court or Justice, for any term not exceeding three months. Interfering with bailiff.

(2) The bailiff or officer, or any peace officer, may take the offender into custody (with or without warrant) and bring him before the court or Justice. R.S.O. 1897, c. 60, s. 284. Arrest of offender.

Misconduct of Clerks, Bailiffs, etc.

220.—(1) Upon a complaint in writing that a bailiff or officer, acting under colour or pretence of process of the court, is guilty of extortion or misconduct, or does not duly pay or account for all money levied or received by him by virtue of his office, the Judge may, at a sittings of the court, enquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary persons, and make such order thereupon for Misconduct of bailiffs and officers.

the repayment of any money extorted, or for the due payment of any money levied or received, and for the payment of such damages and costs to the person aggrieved, as he may think just.

Enforcing order for payment by bailiff.

(2) In default of payment of the money ordered to be paid by the bailiff or officer within the time mentioned in the order for the payment thereof, the Judge may, by warrant under his hand and seal, cause such sum to be levied by distress and sale of the goods of the offender, together with the reasonable charges of the distress and sale, and in default of such distress or summarily in the first instance, or where payment is not made forthwith, if so ordered, may commit the offender to the common gaol of the county for a period not exceeding three months, unless the money and costs are sooner paid. R.S.O. 1897, c. 60, s. 285.

Extortion.

221. If a clerk, bailiff, or other officer is guilty of extortion he shall, upon proof thereof before the court, be forever disqualified to hold any office of profit or emolument in a Division Court, and shall also be liable in damages to the party aggrieved. R.S.O. 1897, c. 60, s. 286.

Negligence of Bailiffs.

Bailiff neglecting duty in relation to execution.

222. If a bailiff, by neglect, connivance or omission, loses the opportunity of levying an execution or taking property under an attachment, or unduly delays to levy or attach, the Judge, upon complaint of the party aggrieved, and upon proof of the fact alleged, may order the bailiff to pay such damages as the party aggrieved appears to have sustained, not exceeding the sum for which the execution or attachment issued; and upon demand being made therefor and on his refusal to satisfy the same, payment may be enforced by such means as are provided for enforcing judgments. R.S.O. 1897, c. 60, s. 287.

ENFORCING PAYMENT OF FINES.

Enforcing payment of fines.

223. A fine imposed by the Judge under authority of this Act may be enforced by his order in like manner as a judgment. R.S.O. 1897, c. 60, s. 290.

GENERAL PROVISIONS WITH REGARD TO ACTIONS FOR THINGS DONE UNDER THIS ACT.

Distress not to be deemed unlawful or persons making

224. A levy or distress by virtue of this Act shall not be deemed unlawful, or the person making the same be deemed a trespasser, on acount of any defect or want of

form in any proceeding relating thereto, nor shall the person levying or distraining be deemed a trespasser from the beginning, on account of any irregularity afterwards committed by him; but the person aggrieved by the irregularity may recover full satisfaction for the special damage sustained by him. R.S.O. 1897, c. 60, s. 297.

it trespassers, by reason of defect in proceedings.

GENERAL RULES AND ORDERS.

225.—(1) The Lieutenant-Governor in Council may appoint five of the County Court Judges, who with the Inspector shall constitute a board which shall be called "The Board of County Judges." R.S.O. 1897, c. 60, s. 306, subs. (1).

The Lieutenant-Governor may appoint five County Judges to frame rules, etc.

(2) For the purposes of this section a retired County Court Judge shall be deemed a County Court Judge.

Retired Judge may be appointed.

(3) The board may make rules for regulating any matter relating to the practice and procedure of the courts or to the duties of the officers thereof, or to the costs of proceedings therein, and every other matter deemed expedient for better attaining the ends of justice, advancing the remedies of suitors and carrying into effect the provisions of this Act and of all other Acts now or hereafter in force respecting the said courts. R.S.O. 1897, c. 60, s. 306, subs. 1. R.S.O., c. 51, s. 122, subs. 1, cl. (*e*).

Rules to be made by board.

226.—(1) The board, or four members thereof, shall certify to the President of the High Court all rules so made, and the President shall submit the same to the Judges of the High Court. R.S.O. 1897, c. 60, s. 307.

Board to certify rules to the High Court to be laid before the Judges.

(2) The Judges of the High Court, or a majority of them (of whom the President of one of the divisions shall be one) may approve, disallow, or amend any such rules. R.S.O. 1897, c. 60, s. 308.

Such rules to be approved of by the Judges.

(3) The rules so approved shall be forwarded by the President of the High Court to the Provincial Secretary, who shall lay the same before the Legislative Assembly. R.S.O. 1897, c. 60, s. 310.

Board to transmit copies to the Lieutenant-Governor, etc.

(4) Notice that the rules so approved have been received by the Provincial Secretary shall be published in the *Ontario Gazette*, and from and after the first publication of the notice the rules shall come into operation and have the same force and effect as if they had been made and included in this Act. R.S.O. 1897, c. 60, s. 309. (*Amended.*)

Notice of approval to be published in Gazette.

(5) The Lieutenant-Governor may direct the Treasurer of the Province to pay out of the Consolidated Revenue Fund the expenses connected with the making, approval and printing of the rules. R.S.O. 1897, c. 60, s. 311.

Expenses provided for.

Practice of the High Court may be followed in unprovided cases.

227.—(1) In cases not expressly provided for by this Act or by the rules, the Judge may, in his discretion, adopt and apply the general principles of practice in the High Court to actions and proceedings in the Division Courts.

Limitation as to costs.

(2) Nothing herein contained shall authorize the taxation or allowance of costs to any officer of the court, other than those provided for by this Act, or in the tariff of fees authorized by the Board of County Judges. R.S.O. 1897, c. 60, s. 312.

Existing Rules confirmed.

228. The existing rules made by the Board of County Judges, except in so far as they are inconsistent with the provisions of this Act, are hereby confirmed.

PROCEEDINGS NOT TO BE SET ASIDE FOR MATTERS OF FORM.

Proceedings not to be quashed for want of form.

229. No proceeding shall be quashed or vacated for any matter of form. R.S.O. 1897, c. 60, s. 217.

PART II.

APPLICABLE ONLY TO PROVISIONAL JUDICIAL DISTRICTS.

TRIAL BY JURY.

Who may be summoned as jurors in Division Courts.

Rev. Stat. c. 61,

230. Unless exempt under *The Jurors' Act* all male persons between twenty-one and sixty years of age who reside in the division, and who are subjects of His Majesty by birth or naturalization, may be summoned to serve as jurors at any Division Court. R.S.O. 1897, c. 109, s. 60.

Who to select jurors.

231. The clerk and a Justice of the Peace resident in the division, or in case there is no Justice of the Peace so resident, then a Justice of the Peace residing in an adjoining division, shall select the persons to serve as jurors for the trial of actions required to be tried by or before a jury. R.S.O. 1897, c. 109, s. 61.

Deposit by person requiring.

232. The party applying for a jury shall deposit with the clerk for the expenses of such jury the sum of six dollars, and each juror who attends shall be paid by the clerk the sum of fifty cents. R.S.O. 1897, c. 109, s. 62.

JURISDICTION.

Jurisdiction of Courts.

233. The courts, in addition to the jurisdiction conferred by Part I., shall have jurisdiction in personal actions otherwise within the jurisdiction of a Division Court where the amount claimed does not exceed $100. R.S.O. 1897, c. 109, s. 64. (*Amended.*)

ORDER FOR ARBITRATION ON CONSENT.

Matters in dispute not over $800 may be referred by Judge with consent to arbitration.

234.—(1) The Judge may, with the consent in writing of the parties, order an action with or without other matters in dispute between the parties and within the jurisdiction of the court as to subject matter irrespective of amount if not exceeding $800, to be referred to arbitration to such persons, and in such manner and on such terms as he thinks just. R.S.O. 1897, c. 109, s. 68.

Application of Part I.

(2) All the provisions of Part I. as to arbitration shall in other respects apply to a reference under this section. (*New.*)

TRIAL BY JUDGE ON CONSENT.

Parties may agree that the Judge shall try any matter not over $800.

235.—(1) If the parties agree by writing signed by them to refer causes of action, claims and demands to a Judge and that he may try and determine the same, the Judge shall have power and jurisdiction so to do, if the subject matter in dispute does not exceed $800 in amount, and is otherwise within the jurisdiction of a Division Court.

Submission to be made in duplicate.

(2) The agreement shall be in duplicate, and one of the duplicates shall be filed with the Judge and the other with the clerk of the court in which the action is to be tried, and the court shall thereupon have jurisdiction in respect of the matter referred.

May be filed and proceedings thereon had to judgment in the Division Court.

(3) Upon the agreement being filed the plaintiff may enter his claim in such division, and sue out a summons thereupon as in ordinary cases, and the proceedings in the action may be conducted to judgment and execution (irrespective of the amount recovered, if it does not exceed $800) in the same manner as other actions in such court. R.S.O. 1897, c. 109, s. 70.

APPEAL.

Appeal.

236.—(1) An appeal shall lie to a Divisional Court of the High Court from a judgment under the next preceding section and from an order setting aside an award made pursuant to a reference made under the provisions of section 234. R.S.O. 1897, c. 109, s. 71.

Application of Part I.

(2) The provisions of Part I. as to appeals shall apply to an appeal under this section.

Service on application for new trial.

237. Upon an application for a new trial in an action wherein either party may appeal, personal service may be effected, or all papers requiring service may be delivered to the clerk of the court where the action was tried, or left at his office for the person entitled thereto, and the clerk shall forthwith send by registered post all such papers to the person entitled to the same, or his agent. R.S.O. 1897, c. 109, s. 72.

PART III.

Repeal.

238. The following Acts and parts of Acts are hereby repealed:

(*a*) *The Division Courts Act* and all amendments thereto save and except sections 180, 181 and 293 to 296 of the said Act.

(*b*) Sections 55 to 74 of *The Unorganized Territory Act*, and all amendments thereto;

(*c*) So much of section 90 of the said last mentioned Act as relates to Division Courts.

Commencement of Act.

239. This Act shall come into force on the first day of September next.

FORM 1.

(*Section 26.*)

COVENANT BY CLERK OR BAILIFF.

Know all men by these presents, that we *J. B.*, Clerk (*or* Bailiff *as the case may be*) of the Division Court, in the County (*or* United Counties *or* District) of *S. S.* of , in the said County *or* District of (*Esquire*), and *P. M.*, of

in the said County *or* District of (*Gentleman*) do hereby jointly and severally for ourselves, and for each of our heirs, executors and administrators, covenant and promise that *J. B.*, Clerk (*or* Bailiff) of the said Division Court shall duly pay over to every person entitled to the same, all such moneys as he shall receive by virtue of the said office of Clerk (*or* Bailiff) and shall and will well and faithfully do and perform the duties imposed upon him as such Clerk (*or* Bailiff) by law, and shall not misconduct himself in the said office to the damage of any person being a party in any legal proceeding; (*in the case of a Clerk's Covenant insert*: and shall pay over to any Bailiff or Bailiffs of the Diviison Courts the fees to which he or they may become entitled under the tariff of fees, unless where the Clerk and the Bailiff otherwise agree in writing); nevertheless, it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows, that is to say:

Against the said *J. B.* in the whole, — dollars.
Against the said *S. S.* in the whole, — dollars.
Against the said *P. M.* in the whole, — dollars.

In Witness Whereof, we have to these presents set our hands and seals, this day of 190 .

Signed, sealed and delivered, in the presence of

R.S.O. 1897, c. 60. Sched. A.

FORM 2.

(*Section 36.*)

PROCEDURE BOOK.

Division Court of the

No. 19

Ensuing Sittings the day of 19

vs.

of of

19

			No. of initial letter of item of tariff.	Bailiff	Clerk.	$
		Received particulars of plaintiff's claim ( ) for $, and $ towards costs Issued ( ) summons to Summons ret'd. Served the day of 19 , by miles, The defendant having been served with special summons and particulars of claim, and not disputing the same, it is adjudged that the plaintiff recover $ for debt, and $ for costs.				

Clerk.

R.S.O. 1897, c. 60. Sched. B.

FORM 3.

(*Section 36.*)

FOREIGN PROCEDURE BOOK.

Division Court of the

No.

vs.

19

	Received summons from County of Issued summons to Bailiff Summons ret'd. Served the day of by	Division Court, Rec. Aff. Post.	
	Ret'd to Clerk of County of	Division Court, Bailiff's fees Miles Ser. Att.	

R.S.O. 1897, c. 60. Sched. C.

FORM 4.

(*Section 174.*)

EXECUTION AGAINST GOODS.

No.

A.D. 19 ,

In the Division Court of the Count *or* District of

Between *A. B.*, Plaintiff,
and
C. D., Defendant.

Whereas on day of A.D. 19 , the recovered in the said court judgment against the for dollars for debt (*or* damages) and dollars for costs which remains unsatisfied (*when the judgment has been revived, add*, "and on the day of A.D. 19 , the said judgment was duly revived.") You are hereby required to levy of the goods and chattels of the in the said County *or* District (not exempt from execution) the said moneys amounting together to the sum of dollars and interest thereon at the rate of five per cent. per annum from the day of A.D. 19 , and your lawful fees so that you may have the same immediately after the execution hereof and pay same over to the Clerk of this Court for the
Given under seal of the Court, this day of A.D. 19 .

X. Y.,
Clerk.

To *V. W.*

Bailiff of said Court.

Judgment .....$
Interest .....
Subsequent costs .....
This execution .....

Levy the sum of .....$
and your lawful fees upon this precept.

FORM 5.

(*Section 183.*)

EXECUTION AGAINST LANDS.

In the Division Court of the Count *or* District of

Between *A. B.*, Plaintiff
and
C. D., Defendant.

Whereas, on the day of , A.D. 19 , the plaintiff recovered in the said Court, judgment against the defendant for $ for debt, and $ for costs of suit, which remain unsatisfied (*when judgment has been revived add* "and on the day of A.D. 19 , the said judgment was duly revived.") You are hereby required to levy of the lands and tenements of the defendant in the said

county, the said moneys, amounting together to the sum of $ and interest thereon at the rate of five per cent. per annum, from the day of A.D. 19 , together with your own fees, poundage and incidental expenses; so that you may have the same immediately after the execution hereof, and pay the same over to the Clerk of this Court for the plaintiff.

Given under the seal of the Court, this day of , A.D. 19 .

Z. Y.,
Clerk.

To *V. W.*,

Sheriff of the County *or* District of

R.S.O. 1897, c. 60, Sched. D.

FORM 6.

(*Section 155.*)

SUMMONS IN GARNISHEE PROCEEDINGS.

No. , A.D. 19 .

In the Division Court, of the Count *or* District of

Between *A. B.*, Primary Creditor,
and
C. D., Primary Debtor,
and
E. F., Garnishee.

To the above named Primary Debtor and Garnishee:—

Take notice that the above named Primary Creditor claims from you, the Primary Debtor, dollars, as shown by his particulars of claim herewith. If the amount of the claim with lawful costs be paid to the clerk of this court within days from the service hereof upon you, the Primary Debtor, no further proceedings shall be taken.

Unless within days after the service of this summons on you, the Primary Debtor, you enter with the clerk of this court a notice in writing that you intend to dispute the claim, the clerk may enter judgment and issue execution against you.

In case you, the Primary Debtor, give such notice disputing the claim, the action will be tried at the sittings of this court to be held at in the said County *or* District of next after the expiration of days from the time this summons is served on you and the sittings of the court are set forth below.

Given under the seal of the court, this day of A.D. 190 .

G. H.,
Clerk.

NOTICES AND WARNINGS TO PRIMARY DEBTOR AND GARNISHEE.

No. 1. If the primary debtor disputes the primary creditor's claim, or any part of it, he must leave with the clerk within days after the day of the service hereof a notice to the effect that he disputes the claim, or if not the whole claim, how much he disputes, in default whereof final judgment may be signed for the whole claim, or such part as is not disputed at any time within one month after the return of the summons, or afterwards by leave of the Judge, without prejudice to the primary creditor's right to recover for the remainder of the claim.

No. 2. If the primary debtor desires to set off any demand or counterclaim against the primary creditor at the trial, or hearing or to take the benefit of any statute of limitations or other statute, notice thereof in writing together with the particulars of the set-off or counterclaim must be left with the clerk of the court and served on the primary creditor, or left at his usual place of abode, if he is living within the division, not less than five days before the day on which the action will be tried, and in case the primary creditor does not reside within the division such notice and particulars must be left with the clerk for him.

No. 3. On the day of trial the primary debtor must bring all the books and papers necessary to prove his case, or in any way connected with it or with his transactions with the primary creditor.

No. 4. Summonses for witnesses and the production of documents may be obtained at the office of the clerk upon payment of the proper fee.

No. 5. The ensuing sittings of the court will be held as follows, viz.:

At o'clock a.m., on Monday, the day of A.D. 19 , at o'clock a.m., on Tuesday, the day of , A.D. 19 , etc.

(*Here may be inserted the time of one or more subsequent sittings specifying the hour of the day of the week and month, plainly written in words at full length, and not expressed by figures or contraction of words.*)

No. 6. In any case in which an order may be made changing the place of trial, application must be made therefor to the judge of the court within eight days after the day of service hereof (where the service is required to be ten days before the return) or within twelve days after the day of such service (where the service is required to be fifteen days or more before the return).

No. 7. The garnishee is entitled to set up any statutory or other defence or set-off, or to dispute or admit liability in whole or in part, and the garnishee and all other persons interested in or in any way affected by the proceedings may also shew any other just cause why the debt sought to be garnisheed should not be paid to or applied in or towards satisfaction of the claim of the primary debtor, and if they desire to do so they must file with the clerk notice thereof, with particulars of such defence or set-off, or an admission of the amount owing or accruing from them, or either of them, within eight days after the service of the summons.

No. 8. You, the said garnishee, are hereby notified that from and after the time of the service of this summons on you all debts owing or accruing from you to the above-named primary debtor, are attached, and if you pay the same otherwise than into court, you will be liable to re-pay it in case the court so orders.

No. 9. In the absence of any notice of such defence or set-off the judge may in his discretion give judgment against you or either of you.

If the debt sought to be garnisheed is for wages or salary add as follows:—

The debt alleged to be due by the Primary Debtor to the Primary Creditor was (*or* was not *as the case may be*) incurred for board or lodging.

And when the primary debtor is unmarried and has no family depending upon him for support, add

The primary debtor is an unmarried person having no family depending upon him for support.

No. 10. The primary debtor resides at the of , in the Province of Ontario, and his occupation in the service of the garnishees is that of an engine driver (*or as the case may be*) on the railway of the garnishees (the Grand Trunk Railway Company of Canada) and is occupied as such on said railway between the cities of Toronto and Hamilton (*or as the case may be*).

No. 98.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Division Courts

First Reading, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 99. 1909

BILL.

An Act respecting the Fiscal Year.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation. "Old fiscal year." "New fiscal year."

1. In this Act the expression "old fiscal year" shall mean the fiscal year as heretofore constituted, and the expression "new fiscal year" shall mean the fiscal year as constituted under section 2 of this Act.

8 Edw. VII., c. 9, s. 19, subs. 1.

2. Subsection 1 of section 19 of *The Audit Act* is repealed and the following substituted therefor:—

Fiscal year.

"19.—(1) The Public Accounts shall include the period from the first day of November in one year to the thirty-first day of October in the next year, which period shall constitute the fiscal year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the fiscal year; and all balances of appropriation which remain unexpended at the end of the fiscal year shall lapse and be written off; provided, that upon cause being shown to the satisfaction of the Lieutenant-Governor in Council he may, by Order in Council to be made before the first day of December of each year, extend the time for finally closing the account of any appropriation, for a period of not more than one month from the end of the fiscal year,—after the expiration of which extended time, and not before, the balance of such appropriation shall lapse and be written off."

Re-adjustment of dates in consequence of change in fiscal year.

3. Where in any Act heretofore passed, or passed during the present session, a day or time is designated for any purpose, and the Lieutenant-Governor in Council is of opinion

that the day or time so designated was fixed because of its relation to the old fiscal year, or that the day or time designated for such purpose should bear a corresponding relation to the new fiscal year, the Lieutenant-Governor in Council may, by proclamation, declare that the day or time fixed for such purpose shall be changed so that it shall bear to the new fiscal year the same relation as the day or time previously designated bore to the old fiscal year.

Commencement of Act.

4. This Act shall take effect as from the first day of January, 1909, except that the fiscal year 1909 shall consist of ten months only, beginning on the said first day of January and ending on the thirty-first day of October, 1909.

No. 99.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Fiscal Year.

First Reading, 18th February, 1909.

Mr. MATHESON.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 100 1909

BILL.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Paragraph 1*a* of section 533 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "at any annual municipal election" in the 2nd line of the said paragraph. 3 Edw. VII. c. 19. s. 533, amended. Submission of questions to ratepayers.

No. 100.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th February, 1909.

Sir JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 101. 1909.

BILL.

An Act to amend The Forest Reserves Act.

WHEREAS under sections 1 and 2 of *The Forest Reserves Act* a certain territory called the Temagami Forest Reserve was declared to be a permanent Crown Forest Reserve; and whereas it is expedient for the purpose of establishing a town site to withdraw from the operation of said Act the lands hereinafter described;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The lands comprised within the limits of the hereinafter described area, that is to say: "All and singular that certain parcel or tract of land and land under the water of Gowganda and Burk Lakes, containing by admeasurement 1,250 acres, more or less, situate in the townships of Nicol and Milner, in the Temagami Forest Reserve, in the District of Nipissing:— Lands withdrawn from Temagami Forest Reserve.

Commencing at a point on the north limit of the said Township of Nicol at the distance of 5 miles west of the northeast angle thereof; thence due west astronomically along the north limit of said township 1 mile to the northwest angle thereof; thence continuing due west astronomically along the north limit of the said Township of Milner 42 chains, more or less, to the water's edge on the east shore of the north arm of said Gowganda Lake; thence southeasterly along the water's edge of said north arm, 2 miles, more or less, to the southerly end of Gowganda Peninsula in said Gowganda Lake; thence continuing along the water's edge of said lake northeasterly and northerly to a point distant 120 chains south of the north limit of said Township of Nicol; thence due east astronomically 69 chains to a point due south astronomically from the place of beginning; thence due north astronomically 120 chains to the place of beginning,

are hereby withdrawn from the said Crown Forest Reserve, and the Act shall be longer apply thereto.

Minister may withdraw lands for town site purposes.

2. Whenever it shall be deemed expedient to establish a town site within the limits of any Crown Forest Reserve it shall be lawful for the Minister of Lands, Forests and Mines under authority of an Order of the Lieutentant-Governor in Council to withdraw the lands comprised in the description of such proposed town site from such Crown Forest Reserve and from the date of such Order in Council the said Act shall no longer apply to such town site.

No. 101

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Forest Reserves Act.

First Reading, 23rd February, 1909.

Mr. COCHRANE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 102 **BILL.** 1909

An Act to amend The Pharmacy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 26 of *The Pharmacy Act* as amended by section 9 of Chapter 16, of the Statutes passed in the 5th year of His Majesty's reign is amended by striking out the words "drugs or medicines, except patent or proprietary medicines, as provided for in section 34 of this Act, together with Turpentine, Epsom Salts, Senna, Alum Borax, Castor Oil, Sulphur, Glauber's Salt, Cream of Tartar, Carbonate of Soda, Bi-Carbonate of Soda and Glycerine" after the word "poisons" in the 2nd line thereof. Rev. Stat. c. 179, s. 26, amended.

2. Section 30 of *The Pharmacy Act* is amended by striking out the words "one moiety to belong to the prosecutor and the other to be paid to the Registrar for the use of the College" in the 9th and 10th lines. Rev. Stat. c. 179, s. 30, amended.

3. Schedule "A" to *The Pharmacy Act* is amended by striking out from Part I, the words "Carbolic Acid" and by striking out of Part II, the words "Hellebore" and "Iodine." Rev. Stat. c. 179, Sched. A, amended.

No. 102.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Pharmacy Act.

First Reading, 23rd February, 1909.

Mr. BOWYER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 102

BILL.

1909

An Act to amend The Pharmacy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 26 of *The Pharmacy Act*, as amended by section 9 of the Act passed in the 5th year of His Majesty's reign, Chaptered 16, is amended by striking out the word "and" before the word "glycerine" in the 7th line of the said amending section and by inserting after the said word "glycerine" the words "Carbonate of magnesia, Citrate of magnesia, Rochelle Salts, Blue Stone, Copperas, Saltpetre, Spirits of Nitre, Rhubarb Root, Solution of Ammonia, Phosphate of Soda, Gum Camphor, Quinine, and Chloride of Lime." Rev. Stat., c. 179, s. 26 amended.

2. The said section 26 is further amended by adding after the words "Paris Green" in the 4th line from the end "Hellebore, Tincture of Iodine, Arsenate of Lead, Carbolic Acid, not exceeding a 5 per cent. solution," and by adding at the end of the said section the words " and provided further that a record shall be kept by the vendor in a book for such purpose of the name and address of each person to whom carbolic acid is sold." Rev. Stat., c. 179, s. 26 amended.

3. Schedule "A" of *The Pharmacy Act* is amended by adding after the words "Carbolic Acid" in Part I., the words "Not exceeding a 5 per cent. solution," and by striking out the word "hellebore" in Part II. Sched. "A" amended.

No. 102.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Pharmacy Act.

First Reading, 23rd February, 1909.
Second Reading, 3rd March, 1909.

(Reprinted as amended by the Municipal Committee).

Mr. BOWYER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 103 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The paragraph numbered 19 of section 5 of *The Assessment Act*, as amended by section 1 of *The Assessment Amendment Act, 1906*, is amended by striking out the figures "$1,000" in the fourth line and substituting the figures "$1,500" therefor nd by striking out the figures "$600" in the 15th line and substituting the figures "$900" therefor. 4 Edw. VII. c. 23, s. 5, par. 19 amended. Exemption of income from personal earnings.

2. Section 5 of *The Assessment Act* is amended by inserting the following paragraph after paragraph 18:— 4 Edw. VII. c. 23, s. 5 amended.

18*a*. The wages or other personal earnings of any mechanic, workman or employee who is not employed by the year or month at a stated wage or salary or whose remuneration is dependent upon the number of hours or days employment during any specified period. Wages, etc., exempt.

No. 103.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 24th February, 1909.

Mr. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 104 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 583 of *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following after paragraph 7: 3 Edw. VII, c. 19, s. 583, amended.

7a. By the councils of counties, cities, towns, townships and villages, for regulating or preventing the construction and erection, or the posting up, painting or otherwise displaying of signs, advertisements or notices of any description upon the highways of the municipality or within sight of any highway or other public place, but no such by-law shall apply to or affect advertisements by a trader at his place of business or notices for the leasing or selling of real estate posted up upon the property to be sold or leased or notices which are required by law to be posted up in the municipality. Regulating erection of signs, ect.

No. 104.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act

First Reading, 25th February, 1909.

Mr. FRASER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 105 1909

BILL.

An Act to amend the Act respecting Division Courts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 84 of *The Division Courts Act* is amended by adding thereto the following proviso: Rev. Stat. c. 60, s. 84 amended.

Provided that any action for wages, or balance of wages, may be entered and tried in the Court holden for the division in which the contract of hiring was made. Place of trial in action for wages.

No. 105.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act respecting Division Courts.

First Reading, 25th February, 1909.

Mr. McGarry.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 105 **BILL.** 1909

An Act to amend the Act respecting Division Courts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 84 of *The Division Courts Act* is amended by adding thereto the following *words*: Rev. Stat. c. 60, s. 84 amended.

Provided that any action for wages *of a woodman* may be entered and tried in the Court holden for the division in which the contract of hiring was made, notwithstanding any stipulation in the contract of employment or otherwise. In this section "woodman" shall mean a person performing labour or services in connection with any logs or timber, and shall include cooks, blacksmiths, artisans and all others usually employed in connection with such labour or services. Place of trial in action for wages.

No. 105.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act respecting Division Courts.

First Reading, 25th February, 1909.
Second Reading, 3rd March, 1909.

Reprinted with amendments of the Legal Committee.

Mr. McGarry.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 106 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII, c. 19, s. 304, subs. 6, amended.

Time for publication of assets and liabilities.

1. Subsection 6 of section 304 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "15th day of December" in the second line thereof and by substituting the words "30th day of November" therefor; and by striking out the words "15 days" in the 8th line thereof and substituting therefor the words "31 days."

No. 106

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 25th February, 1909.

Mr. HOYLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 107. 1909.

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 492 of *The Consolidated Municipal Act, 1903*, is hereby amended by adding thereto the following subsection thereto: 3 Edw. VII, c. 19, s. 492, amended.

(3) The council shall by by-law authorize the raising and setting apart of a sum of money annually sufficient to provide a superannuation or retiring allowance fund for the benefit of the police force, to be paid to the members of the police force who have continuously served on such force for a period of not less than 25 years, if in the opinion of the council in cities with a population of 30,000 or less, and towns where the police force is under the control of the council, such retiring member of the police force is by reason of good conduct and long service entitled to such retiring allowance; and where the police force is under the control of the board of police commissioners in cities with a population of 30,000 or less, and towns, on their recommendation that such retiring member is in their opinion by reason of such good conduct and long service entitled to such superannuation or retiring allowance, the council shall by by-law in like manner authorize the raising and setting apart of a sum of money annually sufficient to provide such allowance for the police force, to be paid to members thereof who have in like manner continuously served on such force for such period, not less than 25 years. But such retiring allowance shall in no case exceed nor be less in amount than one-half of the salary received by such retiring officer twelve months previous to the time of his final retirement. Superannuation fund for police force.

No. 107.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

First Reading, 25th February, 1909.

Mr. CRAIG.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 108 **BILL.** 1909

An Act to amend the Act of Incorporation of the Ontario Veterinary Association.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:— 42 Vict., 80, amended

1. This Act may be cited as *"The Ontario Veterinary Act."* Short title.

2. All persons who shall cause their names to be registered as Graduate Veterinary Surgeons under the provisions of this Act shall be and are hereby incorporated under the name and style of "The Ontario Veterinary Association," hereinafter called "the Association." Incorporation.

3. Every person registered as a Graduate Veterinary Surgeon under this Act shall be a member of the Association. Persons registered to be members.

4. There shall be a council of management of the said Association, hereinafter called the Council, to be appointed as hereinafter provided. Council.

5.—(1) The council shall be composed of nine duly qualified Veterinary Surgeons, who shall in the first instance be appointed by the Lieutenant-Governor in Council within one month after the passing of this Act. How composed first members.

(2) The members of the Council so appointed shall meet in the City of Toronto for the purpose of organization within one month after their appointment at such time and place as may be directed by proclamation in the Ontario *Gazette*. Subsequent members.

(3) A majority of the council shall form a quorum. Quorum.

Term of office

(4) The members of the council so appointed shall hold office for the following terms respectively:—

The first three named for a term of three years.
The second three named for a term of two years.
The last three named for a term of one year.

Elections.

(5) All subsequent members of the council shall be elected by ballot in such manner as may be provided for by the by-laws of the Association at an annual meeting or a special meeting called for that purpose.

Qualification, who may vote.

(6) No person shall be eligible for election to the council or to vote for any member thereof unless he is a duly qualified Graduate Veterinary Surgeon registered under the provisions of this Act.

Term of office of elected members.

(7) All elected members of the Council shall hold office for the term of three years except as hereinafter otherwise provided.

Vacancies.

(8) In case of a vacancy caused by the resignation or death or continued non-attendance of any member of the council the council may fill the vacancy so caused until the time of the holding of the next annual meeting when a member shall be elected to fill the vacancy who shall hold office for the remainder of the term for which the member who has so died, resigned or failed to attend was elected.

Meetings.

6. Meetings of the Association and of the council shall be held at such times and places and notice thereof shall be given in such manner as may be fixed by the by-laws of the Association or of the council.

Officers.

7.—(1) There shall be a president and vice-president chosen from and elected by the Council at its first meeting after the passing of this Act, and thereafter annually in such manner as may be provided by the by-laws of the Association.

(2) The Council, at such first meeting and thereafter, whenever a vacancy occurs shall appoint a Registrar and a Treasurer of the Association, who shall hold office during the pleasure of the Council.

By-laws and regulations.

8.—(1) The Association at an annual or special meeting and the council may from time to time make any by-laws or regulations:—

(*a*) For regulating the method of calling meetings, the procedure thereat, the mode of electing officers and members of the council and the duties of such officers;

(*b*) For regulating and governing the conduct of members of the Association in their profession, and for providing for the hearing of complaints against members, and the suspension or cancellation of the registration of any member who shall have been found guilty of any indictable offence or of gross negligence or other improper conduct;

(*c*) For prescribing an annual fee not exceeding $2 to be paid by the members and non-graduate practitioners registered under this Act and the time at which such fee shall be payable;

(*d*) For the improvement of learning in veterinary science and the diffusion of knowledge as to the breeding and the care and treatment of domestic animals.

By-laws of Council to be approved by association.

(2) No by-law passed by the council shall have any force or effect until it has been approved by a majority of the members present and voting at an annual meeting of the Association or at a special meeting called for that purpose.

Approval of Lieutenant Governor in Council.

(3) Every by-law shall be transmitted by the Registrar to the Provincial Secretary forthwith after the passing thereof and the Lieutenant-Governor in Council may at any time cancel or amend any such by-law and notice of any such cancellation shall be given in the Ontario *Gazette*.

Registers.

9. There shall be two registers of the Association to be known as "The Graduates' Register" and "The Non-Graduates' Register," respectively.

Graduates Register.

10. The Registrar shall enter in the Graduates' Register the name of every person who pays the fee prescribed by the by-laws and shows that he is a graduate or possesses a diploma or proper certificate from The Ontario Veterinary College or from some other veterinary college approved by the Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture showing that he is qualified to practise the profession of veterinary science; the persons so registered shall be known as Graduate Veterinary Surgeons.

Non-Graduates' Register.

11. Every person paying the prescribed fee and producing such proof as may be required by the by-laws of the Association that is engaged in the practice of veterinary medicine or surgery at the date of the passing of this Act who applies for registration within one year after the passing of this Act and who does not come within the class

entitled to register under the next preceding section shall, upon passing an examination approved of by the Lieutenant-Governor in Council be entitled to have his name entered by the Registrar in the Non-Graduates' Register.

Non-Graduate Practitioners.

12. Persons whose names are entered in the Non-Graduates' Register shall be known as Non-Graduate Practitioners.

Certificate of Registration as Graduate V. S.

13. The council shall issue to every person whose name is entered in the Graduates' Register a certificate of registration as a graduate veterinary surgeon and, subject to suspension or cancellation under the by-laws of the Association, such certificate shall be renewable annually upon the payment of the prescribed fee.

License to Non-Graduates.

14. The council shall issue to every person whose name is entered on the Non-Graduates' Register a license to practise veterinary medicine or surgery, and such license shall remain in force for one year, and, subject to suspension or cancellation under the by-laws of the Association, shall be renewable annually upon payment of the prescribed fee.

Acquiring property.

15. The council may with the approval of the Association expressed by resolution passed at an annual meeting or at a special meeting called for the purpose, acquire in the name of the Association by purchase or lease such real property as may be required for the use and occupation of the officers as such of the Association or for any of the purposes authorized by this Act.

Application of fees and penalties

16. The Association may apply the fees received from members and the penalties paid to the Association and any other funds received by it in promoting the interests of the profession of veterinary science by the establishment and maintenance of a library, museum, lectures and the instruction of members of the profession and the general public in matters concerning the breeding and treatment of horses, cattle and other domestic animals.

Professional fees as witnesses.

17. Every graduate veterinary surgeon and every licensed practitioner shall be entitled to professional fees in attending any court of law as witnesses in such cases as relate to the profession.

Penalty for pretending to qualification.

18. Every person who not being registered under this Act appends to his name the term Graduate Veterinary Surgeon, Veterinary Surgeon or Non-Graduate Practitioner, or any abbreviation of any of such titles, and any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbrevia-

tion or description implying or calculated to lead people to infer that he is, or is recognized by law as a veterinary surgeon, within the meaning of this Act, or that he possesses a diploma or proper certificate from some duly authorized veterinary college within or without this Province shall incur a penalty of not less than $25 and not more than $100 besides costs.

Penalty for pretending to be registered.

19. After the first day of June, 1910, every person who

(a) Not being registered under this Act takes or uses the name or title of Veterinary Surgeon, Graduate Veterinary Surgeon or Non-Graduate Practitioner or any abbreviation thereof, either alone or in combination with any other word or words or any name, title or description implying that he is registered under this Act; or

Penalty for pretending to be entered on another register.

(b) Being registered under this Act uses any such name or title implying that he is registered upon a register other than the one in which his name is entered,

shall incur a penaly of not less than $25 and not more than $100 besides costs.

Penalty for practising when not qualified.

20. After the first day of June, 1910, every person who not being registered under this Act practises Veterinary Medicine, Surgery or Denistry, or undertakes for fee or reward to treat for disease or injury, or to perform any surgical operation upon any animal, except castration, spaying and dehorning, shall incur a penalty of not less than $25 and not more than $100 besides costs.

Penalty for issuing diplomas wrongfully.

21. Every person, organization, association or company who or which undertakes education for fee or reward, and who or which issues any diploma or title similar to that of the Ontario Veterinary Association, or uses any name, title, addition, abbreviation or description implying that he or it possesses the power to grant diplomas, giving persons the same status as if they were members of the Ontario Veterinary Association, shall incur a penalty of not less than $25 and not more than $100 besides costs.

Recovery of penalties.

22. The penalties imposed under this Act may be recovered in the manner provided by *The Ontario Summary Convictions Act*, and shall be paid to the Treasurer of the Association and applied to the purposes thereof.

Annual register.

23. The Registrar of the Council shall, in every year, cause to be printed, published and kept for inspection at his office free of charge, under the direction of the council

in the form set forth in Schedule "A" to this Act, or to the like effect, a correct list of the names, in alphabetical order according to the surnames of all persons appearing on the registers of the Association on the first day of January in every year, with their respective residences and qualifications, and such register shall be called "The Veterinary Surgeons Register," and a copy of such register for the time being purporting to be so printed and published as aforesaid shall be evidence in all courts and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of this Act, provided always that in case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the council, of the entry of the name of such person in the proper register, shall be evidence that such person is registered under the provisions of this Act.

Regulations by Lieutenant Governor in Council.

24. Notwithstanding anything in this Act contained the Lieutenant-Governor in Council upon the recommendation of the Minister of Agriculture may from time to time make regulations respecting:—

(*a*) The registration of members of the Association and the fees payable thereon and on the renewal of certificates and licenses;

(*b*) Qualification of persons who may be registered under this Act;

(*c*) The causes for which the registration of any person may be suspended or cancelled;

(*d*) The examination required by section II of this Act;

(*e*) Any other matter relating to the practice of the profession of veterinary surgery which may be deemed expedient in the public interest and upon the making of any such regulations any regulation of the Association inconsistent therewith shall be deemed to be superseded.

Repeal of former acts.

25. All Acts respecting Veterinary Surgeons are repealed.

Commencement of act in Haliburton and the districts.

26. This Act shall not come into force in the provisional county of Haliburton and in the provisional judicial districts until a day to be named by the Lieutenant-Governor in Council by his proclamation.

No. 108.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act of Incorporation of the Ontario Veterinary Association.

First Reading, 25th February, 1909.

(*Private Bill.*)

Mr. McGarry.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 109. 1909.

BILL.

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Judicature Act* is hereby repealed and the following substituted therefor:—

5.—(1) Where a Judge of the High Court resigns his office or is appointed to the Supreme Court of Canada or to the Court of Appeal for Ontario and any action, cause or matter which has been fully heard by such Judge, either alone or jointly with other judges, stands for judgment, he may give judgment therein as if he were still a Judge of the Court, and any such judgment shall be of the same force and validity as if he were still such Judge, provided that such judgment of the Judge be delivered within six weeks after his resignation or appointment to the Supreme Court of Canada or to the Court of Appeal.

(2) This section shall apply where a Judge has heretofore resigned his office or been appointed to the Supreme Court of Canada and to cases which have been already heard and are now standing for judgment.

(3) Where a Judge dies or resigns before the delivery of judgment in any action, cause or matter which has been fully heard or tried by him or where an action, cause or matter has been fully heard or tried by a Judge and the judgment is not delivered by him within six months after such hearing or trial or in case of resignation within six weeks thereafter, then any party to the action, cause or matter may after serving one month's notice of his intention so to do upon the other party and upon the Senior Registrar of the High Court set the same down to be heard before a Divisional Court and the same shall unless judgment shall be delivered in the meantime be heard by such Court upon

the evidence adduced before such Judge and the provisions of Rule 792 shall apply to such hearing and the Divisional Court shall direct the proper judgment to be entered and an appeal shall lie without leave from such judgment to the Court of Appeal, or the Divisional Court instead of pronouncing judgment may direct such section, cause or matter to be set down again for trial or hearing on such terms as to costs and otherwise as the Court shall think fit.

(4) This section shall apply to the County Courts and to Surrogate Courts except that no appeal shall lie as provided by section 2.

(5) Subsections 3 and 4 shall apply to actions, causes or matters which have been already heard and are now standing for judgment.

(6) Instead of proceeding as provided by subsection 3, if all the parties consent in writing to be filed with the proper officer to that course being taken after one month's notice to the Registrar of such consent either party may if judgment be not delivered in the meantime set the action, cause or matter down again for trial or hearing in the same way as if it had not been tried or heard.

No. 109.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Judicature Act.

First Reading, 25th February, 1909.
Second Reading, 25th February, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 109. 1909.

BILL.

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of *The Judicature Act* is hereby repealed and the following substituted therefor:—

5.—(1) Where a Judge of the High Court resigns his office or is appointed to the Supreme Court of Canada or to the Court of Appeal for Ontario and any action, cause or matter which has been fully heard by such Judge, either alone or jointly with other judges, stands for judgment, he may give judgment therein as if he were still a Judge of the Court, and any such judgment shall be of the same force and validity as if he were still such Judge, provided that such judgment of the Judge be delivered within six weeks after his resignation or appointment to the Supreme Court of Canada or to the Court of Appeal.

(2) This section shall apply where a Judge has heretofore resigned his office or been appointed to the Supreme Court of Canada and to cases which have been already heard and are now standing for judgment.

(3) Where a Judge dies or resigns before the delivery of judgment in any action, cause or matter which has been fully heard or tried by him or where an action, cause or matter has been fully heard or tried by a Judge and the judgment is not delivered by him within six months after such hearing or trial or in case of resignation within six weeks thereafter, then any party to the action, cause or matter may after serving one month's notice of his intention so to do upon the other party and upon the Senior Registrar of the High Court set the same down to be heard before a Divisional Court and the same shall unless judgment shall be delivered in the meantime be heard by such Court upon

the evidence adduced before such Judge and the provisions of Rule 792 shall apply to such hearing and the Divisional Court shall direct the proper judgment to be entered and an appeal shall lie without leave from such judgment to the Court of Appeal, or the Divisional Court instead of pronouncing judgment may direct such *action*, cause or matter to be set down again for trial or hearing on such terms as to costs and otherwise as the Court shall think fit.

(4) Except as provided by subsection 5 this section shall apply to the County and District Courts and to Surrogate Courts except that no appeal shall lie as provided by subsection 3.

(5) In the case of an action, cause or matter in the High Court instead of proceeding as provided by subsection 3, if all the parties consent in writing and the consent be filed with the proper officer to that course being taken, any party may after one month's notice to the Senior Registrar of such consent and if judgment be not delivered in the meantime set the action, cause or matter down again for trial or hearing in the same way as if it had not been tried or heard.

(6) subsections 3, 4 and 5 shall apply to actions, causes or matters which have been already heard and are now standing for judgment.

No. 109.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Judicature Act.

First Reading, 25th February, 1909.
Second Reading, 25th February, 1909.

(*Reprinted as amended by Committee of the Whole House*).

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 110. 1909

BILL.

An Act respecting the Town of Sault Ste. Marie.

Preamble.

WHEREAS the Municipal Corporation of the Town of Sault Ste. Marie has by petition represented that the council of the said municipality has duly passed a by-law intituled, "A By-law to aid John O'Boyle in the construction of a Dry Dock in the Town of Sault Ste Marie," authorizing the said corporation to enter into, execute and carry out an agreement with John O'Boyle, which said agreement is referred to in said by-law as agreement marked "A," for the construction of a dry dock within the corporate limits of the said Town of Sault Ste. Marie; and whereas the Corporation of the Town of Sault Ste. Marie has by the said petition prayed that an Act may be passed ratifying and confirming the said by-law and declaring the same to be legal, valid and binding, and also ratifying, confirming and legalizing the said agreement entered into between the said municipal corporation and the said John O'Boyle in pursuance of the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation of by-law.

1. By-law Number , of the Corporation of the Town of Sault Ste. Marie, set out in Schedule "A" hereto, and the agreement referred to in said by-law as agreement marked "A" and set out in Schedule "B" hereto, are hereby ratified and confirmed and declared to be valid, legal and binding upon the parties thereto and the ratepayers of said corporation, and the said corporation is hereby authorized and empowered to do all necessary and proper acts for the full and proper carrying out of said by-law and agreement.

SCHEDULE "A."

TOWN OF SAULT STE. MARIE, BY-LAW NO. ——.

A by-law to aid John O'Boyle in the construction of a drydock, in the Town of Sault Ste. Marie.

Whereas, John O'Boyle has agreed to construct a drydock in the Town of Sault Ste. Marie, either by himself or by a syndicate to be formed, or a Company to be incorporated for such purpose, and has applied to the Municipal Council of the Town of Sault Ste. Marie to assist him in the said undertaking, subject to the terms and conditions set forth in the agreement hereto annexed, being Schedule "A" to this by-law;

And whereas, the said Council deem it in the interest of the said Corporation to enter into such agreement to grant such aid to secure the construction of such drydock in the said town;

And whereas as there is no similar industry carried on in the said town;

And whereas there is no other industry or enterprise receiving a bonus from the Corporation; and the amount of aid set out in the said agreement would require an annual levy by the Municipal Council for the said Corporation, for an amount less than ten (10) per cent. of the total annual municipal taxation of the said Corporation;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Sault Ste. Marie, and it is hereby enacted as follows:—

1. It shall be lawful for the Corporation of the Town of Sault Ste. Marie to enter into the said agreement incorporated herewith and forming part of this by-law, and marked Schedule "A" to this by-law and to perform and fulfil all the covenants and obligations on the part of the Corporation therein contained; and the Mayor and the Clerk of the said Corporation are hereby authorized for and on behalf of the said Corporation to execute and deliver the said Indenture of Agreement set forth and contained in the said Schedule "A." to the by-law.

2. During the period set forth in the said agreement, the Municipal Council of the Corporation of the Town of Sault Ste. Marie shall make a yearly levy on all the assessable property in the said town for the sum of $5,000.00, or so much less than the said sum of $5,000.00 as may be required to pay the amount of the bonus due for the said year as provided in the said agreement.

3. All the property of the said John O'Boyle, or of the syndicate to be formed, or of the Company to be incorporated by him for the purpose of the construction of the said drydock, which may be acquired or employed in connection with the said drydock, shall be exempt from all taxes, save and except school taxes for a period of twenty (20) years, commencing on the first day of January, 1910, and so long as same shall be used in connection with said drydock, or operations in connection therewith, as provided in the said agreement.

4. For the purpose of fixing the school taxes so to be paid, the assessment of the said property shall be fixed at the sum of $250,000.00 for the said term, save and except for the year 1910, when the assessment shall be placed thereon by the assessor at the actual value thereof, which shall in no case exceed the said sum of $250,000.00, the taxes applicable to public and separate schools to be divided as provided in the said agreement.

5. This by-law shall come into force and take effect on the final passing thereof.

6. The vote of the electors of the said town shall be taken on this by-law at the following times and places, that is to say:—

On Monday, the eighth day of March, 1909, commencing at the hour of nine o'clock in the forenoon and continuing until five o'clock in the afternoon of the same day, by the following Deputy Returning Officers:—

Polling Subdivision No. 1—Second hand store, east of Algonquin Hotel, D. Cameron, Deputy Returning Officer.

Polling Subdivision No. 2—Mrs. Carran's store, Bruce Street; R. Cunningham, Deputy Returning Officer.

Polling Subdivision No. 3—Andrew Edwards' House, Bruce Street; G. T. Peacock, Deputy Returning Officer.

Polling Subdivision No. 4—Council Chambers; Albert Carney, Deputy Returning Officer.

Polling Subdivision No. 5—Calder & McKinnon's office, Queen Street; Wm. Calder, Deputy Returning Officer.

Polling Subdivision No. 6—The Sault Star office, Queen Street; Wm. Hallam, Deputy Returning Officer.

Polling Subdivision No. 7—Edwards' shop, Queen Street, M. McKenzie, Deputy Returning Officer.

Polling Subdivision No. 8—Barnes Block, Queen Street, J. J. O'Connor, Deputy Returning Officer.

Polling Subdivision No. 9—Peterson's store, Superior Street; Wm. Rossiter, Deputy Returning Officer.

On Saturday, the sixth day of March, 1909, the Mayor shall attend at the Council Chamber at ten o'clock in the forenoon to appoint persons to attend at the various polling places, as aforesaid, and at the final summing up of the votes by the Clerk on behalf of the persons interested in and promoting or opposing the passing of this by-law respectively.

The Clerk of the said town shall attend at the Council Chambers at the hour of eleven o'clock in the forenoon of Tuesday, the ninth day of March, 1909, to sum up the number of votes for and against this by-law.

Read a first and second time this eighth day of February, 1909.

C. J. Pim,
Clerk.

Read a third time and finally passed in open council, this day of March, 1909.

Mayor.

Clerk.

SCHEDULE "B."

This agreement made in duplicate this eighth day of February, in the year of our Lord one thousand nine hundred and nine, between the Corporation of the Town of Sault Ste. Marie, hereinafter called the Corporation of the First Part, and John O'Boyle, of the Town of Sault Ste. Marie, in the District of Algoma, Contractor, hereinafter called the Promoter, of the Second Part.

Whereas the Corporation is desirous of securing the construction of a drydock at some suitable point within the limits of the said Town of Sault Ste. Marie;

And whereas the promotor has consented and agreed to and with the Corporation by himself, or by a Company, Firm or Syndicate to be formed by him, to construct such drydock on the terms and conditions, and subject to the stipulations and agreements hereinafter set forth;

Now, therefore, this agreement witnesseth, that in consideration of the premises and of the covenants hereinafter reserved and contained on the part of the respective parties hereto, the said parties have and do hereby mutually covenant, promise and agree, each to and with the other of them in the manner following, that is to say:—

1. When and as soon as a by-law has been finally passed, authorizing the execution of this agreement by the Corporation and the same has become legal, valid and binding upon the Corporation, the said promotor will proceed with all despatch to secure the incorporation and organization of a Company authorized to carry on business in the Province of Ontario, which said Corporation is hereinafter designated as the Company, and such Company will, as soon as practicable, purchase the necessary property and proceed with the construction of a drydock, such construction to be commenced and proceeded with as rapidly as circumstances, economical construction and climatic conditions will permit, the dock to be fully completed and ready for operation within the period of two years from the commencement of the construction thereof.

2. The said dock shall be located at some suitable point within the limits of the Corporation of the Town of Sault Ste. Marie.

3. The said dock shall be at least equal in capacity and in manner of construction to the dock mentioned in the report prepared by Hugh Calderwood for the Sault Ste. Marie Board of Trade, and which dock is described by said Calderwood in said report as being a very substantial and permanent one, capable of accommodating any vessel built or building for either the Canadian or American lake traffic, and the cost of which is estimated by him, including the grounds therefor and the plant connected therewith, at the sum of $500,000.00.

4. The said dock so to be constructed by said Company shall be built of concrete, and shall have a length of 620 feet from the sill to the head of the dock, a width on floor of 53 feet, a width at level of sill of 70 feet, and a width at top of 85 feet 6 inches, with a depth of water over the sill of 17 feet 6 inches under normal conditions.

5. The Corporation shall pay to the Company by way of aid to the construction and establishment of said drydock the sum of $5,000.00 annually for a period of twenty years in twenty equal payments to become due and payable on the 31st day of December in each and every year, the first of such payments to become due and payable on the 31st day of December, 1910, and the last of such payments on the 31st day of December, 1929, subject to the provisions and conditions hereinafter contained.

Provided always that the first payment of $5,000.00 shall not become due or payable until said Company shall have expended at least $100,000.00 on the proposed works; and the second payment of $5,000.00 shall not become payable until the dock hereinbefore described shall have been completed ready for operation.

6. During the period of twenty years during which said sum of $5,000.00 is payable as aforesaid, the said Company shall expend in connection with their works, undertakings and operations in every successive three-year period, commencing with the 1st of January, 1910, on an average of at least $60,000.00 per year, and should said Company fail to expend said amount in any such three year period, then and in such case the amount payable by the Corporation to the Company shall abate and be only payable in the proportion that the amount so expended during such three-year period bears to the sum of $180,000.00, and provided further that if in any one year the expenditure of said Company, as aforesaid, falls below the sum of $25,000.00, no sum shall be payable by the Corporation to the Company in that year, but the amount expended in such year shall nevertheless be taken into consideration in the computation of the amount payable to the Company at the end of such three-year period. But should the amount expended in such three-year period by the Company or the promotor not amount in the aggregate to the sum of $75,000.00, then and in such case the said annual sum of $5,000.00 shall not be payable in respect of any of the years for such three-year period, and the Company shall in such case forfeit all its rights to such payments for said period, and in case the annual payment of

$5,000.00 or any part thereof has been paid to the Company during any such period, the Company will at the end of the year repay to the Corporation any amount so paid by the Corporation.

7. The Company shall expend at least $400,000 in connection with their works and undertakings.

8. The Corporation shall exempt all property of the Company of every kind real and personal that may be required, owned or leased by the Company, including, but so as not to in any limit or restrict the foregoing said drydock and all machinery lands, buildings and plant employed or used in connection therewith or incidental thereto and including all lands, buildings and property, plant and machinery that may be acquired, purchased, leased, employed or used by the Company in connection with any Shipbuilding yard or business, and including also any railways, railway tracks, right of way, sidings, switches and railway plant that may be used or employed by the Company in connection with any work or undertaking that may be undertaken, acquired or carried on by it, and also the business and income of said Company, from all the municipal rates, taxes and assessments whatsoever, including frontage tax, for a period of twenty years from the 1st day of January, 1910, saving and excepting only school taxes.

Provided always that the property so exempt shall be *bona fide*, required, used or employed in connection with said drydock or said shipbuildings business or industry or with the building, construction or carrying on thereof, or with other works, business or industries carried on by the Company connected with or incidental to said business, works, industries or undertakings.

Provided further that nothing herein contained shall exempt from taxation any business or undertaking carried on by said Company not connected with or incidental to the drydock or shipbuilding business or industry which may come in opposition to or competition with any other business carried on within the limits of said Corporation; and provided further that if said Company shall erect dwelling houses on the lands owned, leased, employed or used by it, such houses shall be liable to taxation the same as any other property in the Corporation.

9. The Corporation shall establish and fix the assessment of the property mentioned in the preceding paragraph hereof, including the business and income of said Company for the purposes of school taxes (which shall be the only municipal taxes of any kind payable by the said Company) at the sum of $250,000.00 for the year 1911 and the following eighteen years, and the Corporation agrees that the assessment of the said property for school purposes for the year 1910 shall not exceed the said sum of $250,000.00.

10. The school taxes collected from the said Company under the fixed assessment provided for in the preceding paragraph hereof, shall be divided between the Public and Separate School Boards of said Corporation in the proportion that the total assessment, (apart from the assessment of the Lake Superior Corporation) of public schools supported in the year 1908 bears to the total assessment of separate schools supporters in said year.

11. Should the by-law authorizing the execution of this agreement be finally passed by the council, and this agreement become valid and binding upon the Corporation, and the said promotor failing to form said Company, or said Company fail to proceed with the erection of said dock, in accordance with the provisions of this agreement, then and in such case the promotor or the Company shall repay to the Corporation the expenses properly and necessarily incurred by it in connection with this agreement, and with the said by-law authorizing the execution thereof, and with any legislation that may be necessary for the purpose of validating this agreement and said by-law, said expenses in such case to be repaid to the said Corporation by the promotor or the Company

on or before the date fixed for the first payment in respect of bonus paid by the Corporation to the Company.

12. Should the Company deem it necessary or desirable to obtain legislation ratifying and declaring valid this agreement or the said by-law, then and in such case the Corporation shall at its own expense apply for and if possible secure such legislation at the session of the Legislature of the Province of Ontario, commencing on the 16th day of February, 1909, and should said Corporation fail, without any default on its part, to secure such legislation, then this agreement shall, at the option of the promotor, become null and void, and the parties hereto be relieved from all further liability thereunder.

13. The Company shall at the end of each year, when required by the Corporation, so to do, produce pay-rolls, vouchers and other documents, or evidence to the person authorized by said Corporation, properly authenticating and verifying the expenditure of such Company to the extent from time to time herein provided for.

14. Should the said promotor hereafter decide to carry on the works and undertakings herein described, by himself or by a partnership, or syndicate formed by him for that purpose, instead of forming a Company, he shall be entitled so to do, notwithstanding anything herein contained, and then in such case the said promotor, firm or syndicate shall, upon filing a notice to that effect with the Clerk of the Corporation, be entitled to all the moneys, immunities, privileges, rights, franchises and benefits given to or conferred upon said Company by this agreement, and shall be subject to all the conditions and obligations imposed upon said Company hereby.

15. Subject to the provisions in the next succeeding paragraph contained, the promotor covenants with the Corporation that the Company will fulfil, observe, perform and keep all the covenants and conditions on the part of the Company herein contained.

16. This agreement shall extend to and be binding upon and enure to the benefit of the successors and assigns of the promotor and the successors and assigns of the Company and upon the filing by the promotor of the assignment by him to the said Company of all his interest in and rights and benefits under this agreement to the said Company with the Clerk of the said Corporation, such Company shall immediately become entitled to and have conferred upon it all the rights, benefits, conditions, powers, moneys, immunities and privileges provided by this agreement or said by-law, as fully and effectually and to the same extent in every respect as if the said Company were now in existence and a party to this agreement and named in said by-law, and upon such Company executing a proper agreement under its corporate seal with the Corporation, identical in substance and effect to this agreement, obligating said Company to observe, perform and keep the covenants and conditions herein contained on the part of the said promotor, and on the part of the said Company, the promotor shall be relieved, released and discharged from all responsibility and liability under this agreement, or in any way in respect thereof.

Witness the hand and seal of the promotor and the corporate seal of the said Corporation and the hand of the Mayor and Clerk thereof.

JOHN O'BOYLE,
(Seal.)

Witness—
J. D. H. BROWNE.

No. 110.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Town of Sault Ste. Marie.

First Reading, 1909.

(*Private Bill.*)

Mr. HEARST.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 111 **BILL.** 1909

An Act respecting the Town of Trenton.

WHEREAS the Municipal Corporation of the Town of Trenton (hereinafter called the Corporation) has by its petition represented;

(*a*) That under the powers conferred by the Act, passed in the 48th year of Her late Majesty's reign, Chaptered 74, the Corporation did erect a dam on the River Trent within the limits of the said town for the purpose of developing the water power of the said river and such power has been developed and has proved of great benefit to the said town. (*b*) That the Government of the Dominion of Canada are about to erect a dam (to be called Dam No. 1) of a more substantial and permanent character on the said river at the place where your petitioners erected their said dam (which will thus be superseded) and your petitioners have arranged with that Government for the continuance to your petitioners, and those in the same interests with them, in the present supply of water from the existing dam, of a supply of water for the like purpose from such Dam No. 1 when erected. (*c*) That the Government of the Dominion of Canada are also about to erect, at a point further up the river, but still within the limits of the Town of Trenton, a dam to be called Dam No. 2, and there will be available therefrom water power to a large amount which can be used to advantage by your petitioners for generating electricity to be used as an inducement to manufacturers and others to settle in the said town, and as to any surplus, for distribution elsewhere, and your petitioners are arranging with the Government of the Dominion of Canada for leasing from them such water power for the purpose of being so used, and it will be necessary for the development thereof that your petitioners should have power to acquire lands and to erect power houses and instal wheels and electrical machinery and to construct a distributing plant for the purpose of utilizing the water power from the said Dam No. 2 as well as in Dam No. 1; and the said Corporation

Preamble.

has prayed that they may be granted all necessary powers for the said purposes; and it is expedient to grant the prayer of the said petition;

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to acquire lands, etc. for development of water power.

1 The said Corporation shall have power to acquire by purchase or lease from riparian owners and others lands contiguous to the River Trent, within the corporate limits of the said town, and to hold and enjoy the same, or sell, lease or otherwise dispose thereof, or any part thereof, for the purpose of developing the water power of the said river from Dams Nos. 1 and 2 about to be constructed by the Government of the Dominion of Canada, and for the promotion of manufactures and other like purposes as hereinafter provided.

Authority to lease from Dominion Goverment, etc.

2. The said Corporation shall have power, so far as this Legislature has authority to confer the same, and so far as the same may not interfere with persons whose rights have not been acquired, or may not be acquired by said Corporation, to lease from the Government of the Dominion of Canada, water to be drawn from Dams Nos. 1 and 2, which are about to be constructed by the Government of the Dominion of Canada, and to use the same for the purpose of generating power by electricity or otherwise, and shall also have power to construct one or more power houses, at or near each of the said dams, and to instal wheels and electrical machinery and construct a plant for the purpose of distributing electricity with all necessary appliances for the purpose of developing electrical power or current for light, heating and power purposes, for use within the said Town of Trenton and elsewhere.

Employment of engineers, surveyors, etc.

3. The said Corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the said Corporation shall deem requisite or necessary, or purchase, at the option of the Corporation, such lands, buildings, materials and privileges as in their opinion may be necessary to enable them to fulfil their duties, and exercise and enjoy their rights and privileges in that behalf under this Act.

Acquiring necessary lands, etc.

4. The said Corporation may acquire such lands as any engineer, surveyor, or other person authorized in this behalf by the said Corporation shall judge suitable or expedient and proper for said purpose, and may contract with the owner or occupier of the said lands and those having a right or interest in the said lands for the purchase or the

releasing thereof, or of any part thereof, or of any privilege that may be required for the purposes of creating and enjoying such water power as aforesaid.

Power to borow $200,000 for development of water powers, etc.

5. The said Corporation shall have power to pass a by-law or by-laws for raising money by debentures to an amount not exceeding $200,000 in the whole, subject to and in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereof, for the purpose of purchasing or renting such lands and constructing and installing such power houses, wheels and electrical machinery and plant and developing the said water power. The said debentures may be payable at the expiration of forty years from the date of issue thereof, bearing interest yearly, or half-yearly, at such rate as the council may deem proper.

Power to guarantee bonds of development companies up to $500,000.

6. The said Corporation shall also have power to pass a by-law or by-laws for granting aid, by way of bonus, by guaranteeing the bonds or other securities to be issued by any company which is, or may be formed for the purpose of developing the said water power; provided that the amount of bonds to be so guaranteed is limited to $500,000 and that the rate of interest thereon shall not be greater than five per cent. per annum.

No. 111.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Town of Trenton.

First Reading, 1909

(*Private Bill.*)

Mr. JOHNSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 111 **BILL.** 1909

An Act respecting the Town of Trenton.

WHEREAS the Municipal Corporation of the Town of Trenton (hereinafter called the Corporation) has by its petition represented;

(*a*) That under the powers conferred by the Act, passed in the 48th year of Her late Majesty's reign, Chaptered 74, the Corporation did erect a dam on the River Trent within the limits of the said town for the purpose of developing the water power of the said river and such power has been developed and has proved of great benefit to the said town. (*b*) That the Government of the Dominion of Canada are about to erect a dam (to be called Dam No. 1) of a more substantial and permanent character on the said river at the place where your petitioners erected their said dam (which will thus be superseded) and your petitioners have arranged with that Government for the continuance to your petitioners, and those in the same interests with them, in the present supply of water from the existing dam, of a supply of water for the like purpose from such Dam No. 1 when erected. (*c*) That the Government of the Dominion of Canada are also about to erect, at a point further up the river, but still within the limits of the Town of Trenton, a dam to be called Dam No. 2, and there will be available therefrom water power to a large amount which can be used to advantage by your petitioners for generating electricity, and your petitioners are arranging with the Government of the Dominion of Canada for leasing from them such water power for the purpose of being so used, and it will be necessary for the development thereof that your petitioners should have power to acquire lands and to erect power houses and instal wheels and electrical machinery and to construct a distributing plant for the purpose of utilizing the water power from the said Dam No. 2 as well as in Dam No. 1; and the said Corporation has prayed that they may be granted all necessary powers for the said purposes; and it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to acquire lands, etc. for development of water power.

1. The said Corporation shall have power to acquire by purchase or lease from riparian owners and others lands contiguous to the River Trent, within the corporate limits of the said town, and to hold and enjoy the same, or any part thereof, for the purpose of developing the water power of the said river from Dams Nos. 1 and 2 about to be constructed by the Government of the Dominion of Canada.

Authority to lease from Dominion Government, etc.

2. The said Corporation shall have power to lease from the Government of the Dominion of Canada, water to be drawn from Dams Nos. 1 and 2, which are about to be constructed by the Government of the Dominion of Canada, and to use the same for the purpose of generating power by electricity or otherwise, and shall also have power to construct one or more power houses, at or near each of the said dams, and to instal wheels and electrical machinery and construct a plant for the purpose of distributing electricity with all necessary appliances for the purpose of developing electrical power or *energy* for light, heating and power purposes, for use within the said Town of Trenton.

Employment of engineers, surveyors, etc.

3. The said Corporation shall have power to employ engineers, surveyors and such other persons, and to rent, with such conditions, covenants and stipulations as the said Corporation shall deem requisite or necessary, or purchase, at the option of the Corporation, such lands, buildings, materials and privileges as in their opinion may be necessary to enable them to fulfil their duties, and exercise and enjoy their rights and privileges in that behalf under this Act.

Acquiring necessary lands, etc.

4. The said Corporation may acquire such lands as any engineer, surveyor, or other person authorized in this behalf by the said Corporation shall judge suitable or expedient and proper for said purpose, and may contract with the owner or occupier of the said lands and those having a right or interest in the said lands for the purchase or the releasing thereof, or of any part thereof, or of any privilege that may be required for the purposes of creating and enjoying such water power as aforesaid.

Power to borow $115,000 for development of water powers, etc.

5. *Subject to section 8*, the said Corporation shall have power to pass a by-law or by-laws for raising a sum not exceeding $115,000, by the issue of debentures, payable in not more than 30 years, and bearing interest at a rate not

exceeding 5 per cent., subject to and in accordance with the provisions of *The Consolidated Municipal Act, 1903*, and amendments thereof, for the purpose of purchasing or renting such lands and constructing and installing such power houses, wheels and electrical machinery and plant and developing the said water power.

Term of debentures.

6. A portion of the debentures to be issued under this Act shall be made payable each year for a period not exceeding thirty years from the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

7. The said Corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called the "New Power Debenture Rate" and it shall not be necessary to levy for, or to provide any sinking fund to retire the said debentures or any of them.

8. No by-law shall be finally passed under section 5 until the same has been submitted to and approved of by the ratepayers qualified to vote on by-laws for the creation of debts in accordance with the provisions of *The Consolidated Municipal Act, 1903*.

9. The said Corporation may also sell, lease, furnish or supply beyond the limits of the said town so much electrical power or energy as is not required for use in the said town, upon such terms and conditions and within such territorial limits and at such prices as may be fixed and determined by the Hydro-Electric Power Commission of Ontario.

10. The provisions of section 22 of *The Power Commission Act* shall *mutatis mutandis* apply to any electrical power or energy developed by the said Corporation under the provisions of this Act.

11. The works authorized by the preceding section shall not be commenced by the said Corporation until the location thereof, together with the plans, specifications and estimates thereof have been approved by the Hydro-Electric Power Commission of Ontario, hereinafter called "The Commission."

12. No contract for the construction of any of the said works or for the supply of material shall be executed

or entered into by or be binding upon the Corporation or any other party thereto until the approval of the Commission has been endorsed thereon in writing, signed by the Chairman of the Commission.

13. The engineer of the Commission or any other officer appointed by the Commission for that purpose shall at all times have access to any of the works undertaken by the Corporation under this Act while such works are in the course of construction, and the Corporation shall at all times obey any direction of the Commission as to the manner of such construction and the materials to be used therein.

No. 111.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Town of Trenton.

First Reading, 9th March, 1909.

(*Reprinted as amended by The Private Bills Committee*).

Mr. JOHNSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 112

BILL.

1909

An Act to incorporate the Simcoe Electric Railway and Power Company.

Preamble.

WHEREAS James Playfair, lumberman; Douglas Leland White, lumberman; William Finlayson, barrister-at-law, all of the Town of Midland, in the County of Simcoe; Charles Henry Sheppard, lumberman; William Henry Francis Russell, lumberman, both of the Town of Waubaushene, in the County of Simcoe, and William James Lovering, of the City of Toronto, in the County of York, lumberman, have by their petition prayed for an Act of Incorporation under the name of "The Simcoe Electric Railway and Power Company," for the purpose of surveying, laying, constructing, establishing, equipping and operating an electric railway from some point at, in or near the Town of Penetanguishene, in the County of Simcoe, easterly, passing through the Town of Midland, and the Township of Tay, and the unincorporated Villages therein of Victoria Harbour, Sturgeon Bay, Tannerville, Waubaushene and Fesserton, and part of the Township of Medonte, to some point in or near the Village of Coldwater, in the said County of Simcoe, with power to develop the water power on the Severn River, known as the Big Shute, and to take a Lease thereof from the Crown and such other power as may be necessary from time to time, and to transmit such power along the said line, and to such other places in the County of Simcoe and District of Muskoka as to the said Company may seem proper, and with power to sell the excess of the said power, and to have use and exercise all the power and privileges enjoyed by companies incorporated under the provisions of the Act respecting companies for supplying steam, heat, electricity, or natural gas for light, heat and power, and with power to erect, establish and operate hotels, sanitariums in connection with the running of the said railway, to equip, construct maintain

and operate, parks, restaurants, places of amusement and steamers in connection with the said railway; and whereas it is expedient to grant the prayer of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said James Playfair, Douglas Leland White, William Finlayson, Charles Henry Sheppard, William Henry Francis Russell and William J. Lovering, together with such other persons as become shareholders in the Company hereafter, are hereby constituted a body corporate and politic under the name of "The Simcoe Electric Railway and Power Company."

Provisional Directors.

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

3. The capital stock of the said Company shall be five hundred thousand dollars ($500,000).

Head office.

4. The head office of the Company shall be at the Town of Midland, in the County of Simcoe.

Annual meeting.

5. The annual meeting of the shareholders of the said Company shall be held on the first Tuesday in February in each year, or on such other date as the Board of Directors shall from time to time appoint, with the approval of the shareholders of the said Company.

Directors.

6. The Board of Directors of the said Company shall consist of not less than five and not more than nine persons.

Location of line.

7. The Company is authorized and empowered to survey, lay out, construct, establish, equip and maintain a railway with double or single tracks to be operated by electricity, or other motive power, from a point in or near the Village of Penetanguishene, in the County of Simcoe, easterly to the Town of Midland, and passing through the Township of Tay and the unincorporated villages therein of Victoria Harbor, Sturgeon Bay, Tannerville, Waubaushene, and Fesserton, and part of the Township of Medonte, to some point in or near the Village of Coldwater, in the County of Simcoe.

Application of power conferred by Rev. Stat. c. 200.

8.—(1) The Company shall have, use and enjoy all the rights, powers and privileges granted to and conferred upon companies incorporated by letters patent under the provisions of *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Light, Heat and Power*.

(2) The Company shall not supply steam, heat, electricity or natural gas in any municipality except under a by-law passed by the Council of the municipality or under an agreement entered into with the municipal corporation and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by The Ontario Railway and Municipal Board.

(3) The rates chargeable by the Company for supplying steam, heat, electricity or natural gas shall at all times be subject to the supervision of The Ontario Railway and Municipal Board and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the chairman of the Board may appoint a time and place at which the Board or some member thereof will hear and determine the matter in dispute.

(4) Such notice of such appointment as the chairman may direct shall be given by the Secretary of the Board to all parties concerned. At the time and place appointed the Board, or with the consent of all parties any member of the Board, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company and directing the amendment of any by-law or agreement accordingly.

(5) The Board or the member thereof conducting the hearing shall have and may exercise any of the powers conferred upon the Board by *The Ontario Railway and Municipal Board Act, 1906*. 6 Edw. VII, c. 31.

(6) If the Company neglects or refuses to obey and carry out the order or directions of the Board, or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

9. The Company shall have power and authority to erect, establish, equip and operate hotels, sanitariums, parks, restaurants, places of amusement, and also to operate steamers in connection with the said railway. Power to erect hotels, operate places of amusement, etc., and steamers.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars ($20,000) per mile of railway, and such further sums as may be Issue of bonds.

necessary for the building of any works provided for by the preceding section of this Act, or under the provision of *The Act respecing Companies for supplying Steam, Heat, Electricity, or Natural Gas for Light, Heat and Power*, as provided for by section 8 of this Act. but no debentures for such works shall exceed the actual cost of the work for which they are issued.

Rev. Stat. c. 200.

Application of 6 Edw. VII., c. 30.

11. Save as herein otherwise provided *The Ontario Railway Act, 1906*, shall apply to the said Company and the railway to be constructed under this Act.

No. 112

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to incorporate the Simcoe Electric Railway and Power Company.

First Reading, March, 1909.

(Private Bill.)

Mr. TUDHOPE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 112 1909

BILL.

An Act to incorporate Simcoe Railway and Power Company.

Preamble. WHEREAS James Playfair, lumberman; Douglas Leland White, lumberman; William Finlayson, barrister-at-law, all of the Town of Midland, in the County of Simcoe; Charles Henry Sheppard, lumberman; William Henry Francis Russell, lumberman, both of the Town of Waubaushene, in the County of Simcoe, and William James Lovering, of the City of Toronto, in the County of York, lumberman, have by their petition prayed for an Act of Incorporation under the name of "Simcoe Railway and Power Company," for the purpose of surveying, laying *out*, constructing, *completing*, equipping and maintaining a railway to be operated by electricity or other motive power, except steam, from some point at, in or near the Town of Penetanguishene, in the County of Simcoe, easterly, passing through the Town of Midland, and the Township of Tay, and the unincorporated Villages therein of Victoria Harbour, Sturgeon Bay, Tannerville, Waubaushene and Fesserton, and part of the Township of Medonte, to some point in or near the Village of Coldwater, in the said County of Simcoe, with power to develop the water power on the Severn River, known as the Big Shute, and to take a Lease thereof from the Crown and such other power as may be necessary from time to time, and to transmit such power along the said line, and to such other places in the County of Simcoe and District of Muskoka as to the said Company may seem proper, and with power to sell the excess of the said power, and subject to the provisions of *The Power Commission Act*, to have, use and exercise all the powers and privileges enjoyed by companies incorporated under the provisions of the *Act respecting Companies for supplying Steam, Heat, Electricity, or Natural Gas for Heat, Light, or Power*, and with power to erect, establish and operate hotels *and* sanitariums in connection with the said railway; and whereas it is expedient to grant the prayer of the said petition:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. The said James Playfair, Douglas Leland White, William Finlayson, Charles Henry Sheppard, William Henry Francis Russell and William J. Lovering, together with such other persons as become shareholders in the Company hereafter, are hereby constituted a body corporate and politic under the name of "Simcoe Railway and Power Company."

Provisional Directors.

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

3. The capital stock of the said Company shall be $500,000.

Head office.

4. The head office of the Company shall be at the Town of Midland, in the County of Simcoe.

Annual meeting.

5. The annual meeting of the shareholders of the said Company shall be held on the first Tuesday in February in each year, or on such other date as the Board of Directors shall from time to time appoint, with the approval of the shareholders of the said Company.

Directors.

6. The Board of Directors of the said Company shall consist of not less than five and not more than nine persons.

Location of line.

7. The Company is authorized and empowered to survey, lay out, construct, *complete*, equip and maintain a railway to be operated by electricity, or other motive power, *except steam*, from a point in or near the Village of Penetanguishene, in the County of Simcoe, easterly to the Town of Midland, and passing through the Township of Tay and the unincorporated villages therein of Victoria Harbor, Sturgeon Bay, Tannerville, Waubaushene, and Fesserton, and part of the Township of Medonte, to some point in or near the Village of Coldwater, in the County of Simcoe.

Application of power conferred by Rev. Stat. c. 200.

8.—(1) The Company shall have, use, *exercise* and enjoy all the rights, powers and privileges granted to and conferred upon companies incorporated by letters patent under the provisions of *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Light, Heat or Power.*

(2) The Company shall not supply steam, heat, electricity or natural gas in any municipality, except under a by-law passed by the Council of the municipality or

under an agreement entered into with the municipal corporation, and no such by-law or agreement shall take effect or be binding upon the municipality until the same has been approved by The Hydro-Electric Power Commission of Ontario.

(3) The rates chargeable by the Company for supplying electricity shall at all times be subject to the supervision of The Hydro-Electric Power Commission of Ontario and upon the complaint in writing of any municipal corporation, company or person that the Company is charging rates which are excessive or unfair, or is unjustly discriminating against or in favour of any municipal corporation, company or person, the chairman of the *Commission* may appoint a time and place at which the *said Commission* or some member thereof will hear and determine the matter in dispute.

(4) Such notice of such appointment as the chairman may direct shall be given by the Secretary of the *said Commission* to all parties concerned. At the time and place appointed the *said Commission*, or with the consent of all parties any member of the *said Commission*, shall hear and determine the matter in dispute and shall make an order dismissing or allowing the complaint and directing what rates shall be charged by the Company and directing the amendment of any by-law or agreement accordingly.

(5) The *said Commission* or the member thereof conducting the hearing shall have the powers authorized to be conferred upon a Commissioner appointed under *The Public Inquiries Act.* 6 Edw. VII. c. 31.

(6) If the Company neglects or refuses to obey and carry out the order or direction of the *said Commission* or the member thereof conducting such case, it shall forfeit to His Majesty for the uses of the Province the sum of $100 for every day during which such refusal or neglect shall continue.

(7) The Company shall keep entirely separate and distinct all accounts, contracts, statements and records thereof relating to the construction, development and transmission of the said Power, and such accounts shall not in any way become involved or mixed with the accounts for the construction, maintenance or operation of the said railway.

Power to erect hotels, operate places of amusement, etc., and steamers.

9. The Company shall have power and authority to erect, establish, equip and operate hotels *and* sanitariums, in connection with the said railway.

Issue of bonds.

10. The Company may issue bonds, debentures or other securities to the extent of $20,000 per mile of railway constructed or under contract to be constructed and such

further sums as may be necessary for the building of any works provided for by the preceding section of this Act, or under the provisions of *The Act respecting Companies for supplying Steam, Heat, Electricity, or Natural Gas for Light, Heat or Power,* as provided for by section 8 of this Act, but no debentures for such works shall exceed the actual cost of the work for which they are issued.

Rev. Stat. c. 200.

Application of 6 Edw. VII., c. 30.

11. Save as herein otherwise provided *The Ontario Railway Act, 1906,* shall apply to the said Company and the railway to be constructed *by it.*

No. 112

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to incorporate Simcoe Railway and Power Company.

First Reading, 18th March, 1909.

(*Reprinted as amended by the Railway Committee*).

Mr. TUDHOPE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 113. 1909.

BILL.

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 47 of *The Separate Schools Act* is amended by adding thereto the following subsection:— Rev. Stat. c. 294, s. 47 amended.

(3) Notwithstanding the giving by any Roman Catholic of the notice referred to in subsection 1 the lands in respect of which such Roman Catholic was assessed as the owner or occupant at the time of the giving of such notice, shall be and continue to be liable for so much of the Separate school rates from year to year as shall be required to meet all charges in respect of debentures issued by the trustees of the separate school of which said Roman Catholic was at the time of giving the said notice a supporter; and in default of payment from year to year of the amount for which the said lands are hereby rendered liable it shall be the duty of the treasurer of the municipality in which the said lands are situate to take the necessary steps to realize out of the said land as in the case of arrears of taxes imposed for municipal purposes. Lands to remain liable for separate school debts incurred before notice of desire to be assessed as public school supporter.

No. 113.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Separate Schools Act.

First Reading, 26th February, 1909.

MR. RACINE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 114 **BILL.** 1909

An Act to amend The Ontario Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The paragraph numbered 11 of section 168 of *The Ontario Insurance Act* is amended by inserting after the word "explosion" in the first and second lines the words "of natural gas or by an explosion." Rev. Stat., c. 203, s. 168, par. 11, amended.

No. 114.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Insurance Act.

First Reading, 26th February, 1909.

Mr. BREWSTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 115 BILL. 190

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 587 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 587, amended.

(13) For granting aid to any philanthropic society, school board or board of education, for the erection, establishment or equipment of an industrial school. Aid to Industrial Schools.

No. 115.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 26th February, 1909.

Mr. McNAUGHT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 116 1909

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 219 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection: 3 Edw. VII. c. 19, s. 219 amended.

On motion to unseat reeve, etc., Judge may try right to elect.

(4) In any proceeding brought or commenced under this section in which the validity of the election or the appointment or the right to hold the seat of a reeve or deputy-reeve is contested the Judge or other officer to whom the jurisdiction is given by this section may try and determine the right of the municipality to maintain the office of or to elect a reeve or deputy-reeve and the decision of the Judge or other officer therein shall be subject to the same provisions as to appeal as are provided by subsection 3 of said section 219.

No. 116.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

First Reading, 26th February, 1909.

Mr. MacKay.
(Grey).

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 117. 1909

BILL.

An Act to prevent the spread of Pulmonary and other forms of Tuberculosis.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title. 1. This Act may be cited as *The Tuberculosis Prevention Act, 1909.*

INTREPRETATION.

Interpretation. 2. In this Act:

"Local Board." (*a*) "Local Board" shall mean the Board of Health of a municipality;

"Tuberculosis." (*b*) "Tuberculosis" shall mean pulmonary or other forms of tuberculosis;

Secretary. (*c*) "Secretary" shall mean Secretary of Provincial Board of Health;

"Provincial Board." (*d*) "Provincial Board" shall mean Provincial Board of Health;

"Local Municipality." (*e*) "Local Municipality" shall mean city, town, village or township;

"Prescribed." (*f*) "Prescribed Form" shall mean prescribed by the regulations made under this Act by the Provincial Board of Health, and approved by the Lieutenant-Governor in Council.

REGULATIONS.

Regulations Provincial Board. 3. The Provincial Board of Health may make regulations prescribing forms to be used and the procedure to be adopted in carrying out the provisions of this Act, but such regulations shall not come into force or take effect until approved of by the Lieutenant-Governor in Council.

NOTIFICATION AND TREATMENT IN CASES OF TUBERCULOSIS.

Medical Practitioners to give notice of cases of Tuberculosis.

4.—(1) Every duly qualified medical practitioner who becomes aware that any person attended by him is suffering from or is suspected of suffering from tuberculosis shall immediately give notice in the prescribed form to the Medical Health Officer for the local municipality in which such person resides.

Superintendents of public institutions to give notice.

(2) The superintendent or other person in charge of any hospital, dispensary, prison, asylum, reformatory, home, house of refuge, or hotel, who becomes aware that any person residing in any of the aforesaid place or places is suffering from tuberculosis shall immediately give notice in writing to the Medical Health Officer of the municipality where such institution is situated.

Bacteriological examination.

(3) Any Bacteriologist of the Provincial Board of Health shall make or cause to be made at all times when so requested by a medical practitioner or local health officer an examination of the sputum of any person suffering from or suspected of suffering from tuberculosis.

Medical Health Officer to record and report cases to Provincial Board.

(4) The Medical Health Officer shall enter in a book to be kept for that purpose in the prescribed form, the particulars contained in the notice and shall further make a report of all cases so reported to him to the Secretary of the Provincial Board of Health.

Marking location of case on map.

(5) The Medical Health Officer shall also keep in his office a map of the municipality and shall mark thereon the farm, lot, street, or other place where the case of tuberculosis or suspected tuberculosis occurred, and shall also make a further distinguishing mark when the death of a patient is reported to him.

Secretary of Provincial Board to send instructions, etc., to patient.

(6) Immediately on receipt of a notice the Secretary of the Provincial Board of Health shall mail to the address of such patient such instructions for the care and prevention of the disease as may from time to time be authorized by the Provincial Board of Health.

Supervision of cases by local officers.

5.—(1) The Local Board of Health or Medical Health officer shall maintain whatever supervision they may deem necessary over the case, and if in their opinion the health of others dwelling in the same house or in personal contact with the patient is threatened they shall order the removal of the patient to a hospital or sanitorium.

Removal of indigent patients.

(2) In case of an indigent patient whose removal has been so ordered, the expense of such removal and the cost of maintenance of such patient shall be paid by the municipality where the patient has had his usual place of abode, and if the patient has no permanent place of residence, or

his usual place of abode cannot be ascertained, then the total cost of his removal and maintenance shall be paid by the municipality whose Medical Health Officer or local Board of Health has ordered such removal.

Unorganized territory.

(3) In the case of unorganized districts the provisions of this Act as applying to municipalities shall be enforced and carried out under and by order of the Provincial Board of Health.

Disinfecting premises.

(4) In case of death, removal or recovery of a person suffering from tuberculosis it shall be the duty of the Medical Health Officer to provide that the residence of such patient shall, immediately after his or her interment, removal or recovery, be thoroughly and efficiently disinfected at the cost of the municipality before any person is allowed to occupy such residence.

Information furnished to local officers to be treated as confidential.

6. All information furnished to the Medical Health Officer or Local Board and the entries made by the Medical Health Officer and all subsequent reports furnished with respect to any case or suspected cases of tuberculosis, shall, as far as possible, be treated confidentially, and all persons having official knowledge of the case shall not disclose any of the particulars to any person except as authorized by this Act, or by regulations made thereunder by the Provincial Board of Health.

Isolation of infected persons.

7.—(1) In case any person is infected with tuberculosis the Medical Health Officer or Local Board of Health of any municipality shall make effective provision in the manner which to them seems best for the public safety by removal of such persons to a separate house or by otherwise isolating such person by providing nurses and other assistance and necessaries for him at his own cost and charge or at the cost and charge of his parents, or other person or persons liable for his support, if able to pay same, otherwise at the cost and charge of the municipality.

Treasurer of Municipality to pay on order of local board.

(2) The treasurer of the municipality shall forthwith, upon demand, pay out of any moneys of the municipality in his hands the amount of any order given by the members of the local Board of Health or any two of them for services performed and expenses incurred under their direction by virtue of this Act.

Change of residence of patient to be reported.

8. Such patient, or those in charge of such patient, shall on removal or change of residence immediately report such change of residence to the local Medical Health Officer of the municipality in which such change occurs, and in case any person affected with tuberculosis shall remove from one municipality to another municipality, he or she shall at

once notify the Medical Health Officer of both municipalities of such removal.

PENALTIES.

Penalty for neglect of duty.

9.—(1) A person who neglects or refuses to perform any duty required of him by this Act, or by any regulation made thereunder, shall incur a penalty of not less than $5 nor more than $20, to be recoverable, with costs, in the manner provided by *The Ontario Summary Convictions Act.*

Disclosing confidential information.

(2) A person who, without lawful authority, discloses information received with respect to any patient under this Act, shall incur a penalty of not less than $5 nor more than $20, to be recoverable, with costs, in the manner provided by *The Ontario Summary Convictions Act.*

Previous conviction not to be pleaded after one month.

(3) After the expiration of one month from the conviction of any person for an offence against this Act no plea of previous conviction shall be sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with this Act.

No 117.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to prevent the spread of Pulmonary and other forms of Tuberculosis.

First Reading, 26th February, 1909.

Mr. DOWNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 118 **BILL.** 1909

An Act respecting the Town of Cornwall.

Preamble.

WHEREAS the Municipal Council of the Town of Cornwall has by petition represented that on the 9th day of July, A.D. 1906, the Council of the said Town of Cornwall did finally pass a by-law numbered 22 of the Corporation of the Town of Cornwall, in the County of Stormont, for the year 1906, to raise the sum of twenty thousand dollars ($20,000) for the purpose of granting a bonus to a joint stock company to be formed by the Modern Bedstead Company, unincorporated, of the City of Sherbrooke, in the Province of Quebec, as an aid to the proposed Company for the purpose of establishing an industry for the manufacture of brass and iron bedsteads and other furniture in the Town of Cornwall, and to issue debentures of the said Town of Cornwall to the amount of twenty thousand dollars ($20,000) to raise the sum required therefor, which by-law received the assent of the electors entitled to vote thereon, the votes of the said electors being taken on the 30th day of June, A.D. 1906; that the Municipal Council of the said Town of Cornwall on the first day of February, A.D. 1907, passed a by-law numbered 8 of the year 1907, varying the terms of the said agreement; that the said by-laws number 8 of the year 1907, and number 22 of the year 1906, were validated by the Act passed in the 7th year of His Majesty's reign, Chaptered 60; that the said Modern Bedstead Company, Limited, were not in a position to demand from the Corporation of the said Town of Cornwall the said bonus of twenty thousand dollars ($20,000) until more than two years had elapsed from the time of the final passing of said by-law number 22 of the year 1906, owing to the fact that there had not been received subscriptions for and payments of stock to the amount of eighty thousand dollars ($80,000) as provided in the said agreement as varied by by-law number 7 of the year 1907; that subsequent to the 8th day of July, A.D. 1908, the Modern Bedstead Company, Limited, received an additional subscription of

stock and on the 19th day of September, A.D. 1908, there had been subscribed and fully paid up upwards of ninety thousand dollars ($90,000) of the capital stock of the said Company and all the other terms of the said by-laws and agreement had been complied with to the satisfaction of the Municipal Council of the Town of Cornwall; that the said Municipal Council prepared twenty debentures dated the 16th day of January, A.D. 1908, for $1,537.52 each, in compliance with the terms of said by-law number 22, but such debentures were not issued until after the 9th day of July, A.D. 1908, when the solicitors for the purchasers thereof refused to give a favourable opinion as to their validity owing to the fact that at the time of their issue more than two years had elapsed from the time of the final passing of said by-law number 22; that on the 19th day of September, A.D. 1908, the Corporation of the said Town of Cornwall paid to the Modern Bedstead Company Limited, the said bonus of twenty thousand dollars ($20,000) as provided by the said agreement, and obtained from the Sterling Bank of Canada a temporary loan, depositing with the said Sterling Bank of Canada the said debentures as collateral security for the said loan; and whereas the said Corporation of the Town of Cornwall has by the said petition prayed that an Act may be passed validating and confirming the said debentures and declaring them valid and binding upon the said Corporation of the Town of Cornwall; and whereas it is expedient to grant the prayer of the said petitions;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of certain debentures confirmed.

1. The debentures of the Town of Cornwall, numbered one to twenty, dated the 16th day of January, A.D. 1908, and payable in twenty equal annual instalments of $1,537.52 each, the last payment falling due on the 15th day of January, 1928, issued pursuant to by-law number 22 of the Corporation of the Town of Cornwall for the year 1906, passed on the 9th day of July, A.D. 1906, are hereby declared to be legal, valid and binding upon the said Municipal Corporation, notwithstanding that more than two years elapsed between the date of the final passing thereof and the date of the issue of the said debentures.

No. 118.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Town of Cornwall.

First Reading, 1909

(*Private Bill.*)

Mr. McCART.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 119 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

4 Edw. VII., c. 23, s. 5, par. 19, amended.

Exemption of personal earnings.

1. The paragraph numbered 19 in section 5 of *The Assessment Act*, as enacted by section 1 of the Act passed in the 6th year of His Majesty's reign, Chaptered 36, is amended by striking out the figures "$1,000" at the end of the 4th line and inserting the figures "$1,200" in lieu thereof, and by striking out the figures "$600" in the 15th line and inserting in lieu thereof the figures "$800."

No. 119.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 1st March, 1909.

Mr. TORRANCE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 120 **BILL.** 1909

An Act to amend "The Unorganized Territory Act."

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Unorganized Territory Act* is amended by adding the following sections:— Rev. Stat., c. 109, amended.

Bulls running at large.

95. No bull over the age of ten months shall be permitted to run at large in those parts of said Districts not included within the limits of an organized municipality.

Owner responsible for damages.

96.—(1) The owner of any bull running at large contrary to the provisions of the preceding section of this Act, shall be responsible in damages for all injuries committed by such animal; and shall also be liable to a penalty not exceeding ten dollars and costs in the discretion of the convicting Justice or Magistrate.

Recovery of penalty.

(2) Every such penalty may be recovered in a summary manner before a Police Magistrate or Justice of the Peace for the District where the offence was committed; and shall be levied by distress and sale of the goods and chattels of the offender with costs of such distress and sale by warrant under the hand and seal of the convicting Justice or Magistrate.

No. 120.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend "The Unorganized Territory Act."

First Reading, 1st March, 1909.

Mr. HEARST.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 121 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following immediately after section 603:— 3 Edw. VII, c. 19, amended.

Division VII.

Powers of cities and towns as to aiding townships in constructing and maintaining roads and bridges.

Aid from city or town to neighbouring township for construction or maintenance of certain roads.

663*a*. The council of any city or town may pass by-laws for granting aid to a township municipality situate in the same or an adjoining county for establishing, opening up, constructing, maintaining, widening, raising, lowering or otherwise improving or repairing a road or bridge in such township which constitutes or forms part of a highway leading to such city or town and any by-law or resolution heretofore passed by the council of a city or town or any agreement heretofore entered into for any of such purposes shall be legal, valid and binding upon the parties thereto.

No. 121

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 2nd March, 1909

Mr. PRESTON,
(Durham.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 122 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 329 of *The Consolidated Municipal Act, 1903*, is amended by adding to the said section the following words, "and the sum to be paid for a license for exercising any such trade, calling, business or profession, or for any of the purposes mentioned in this Act, shall be solely in the judgment and discretion of the Council or Board, as the case may be, provided that such fees shall in no case exceed the maximum fees for such purpose fixed by this Act; and no by-law fixing any such license fee shall be quashed or set aside on the ground that the license fees named therein are unreasonable or prohibitive, so long as the same do not exceed the maximum fees fixed by this Act." 3 Edw. VII, c. 19, s. 329. License fees, discretion as to amount.

2. Section 486*a* of the said Act is amended by adding to the said section, the following words; "and the Council or Board, as the case may be, may limit the number of licenses to be granted for any of the purposes mentioned in this Act, and may refuse a license to any person or persons, and may revoke a license so granted under any of the provisions of this Act, without stating any reason for such refusal or revocation, but in case of the revocation of a license, the treasurer of the municipality shall refund to the licensee, a proportionate part of such license fee as will represent the unexpired portion of the term for which the license was granted." 3 Edw. VII, c. 19, s. 486*a*. Discretion as to number of licenses to be granted to any trade or calling, and as to refusing or revoking license.

3. The paragraph numbered 10 in section 583 of the said Act is amended, by adding after the word "theatres" in the said subsection, the words "moving picture shows." 3 Edw. VII, c. 19, s. 583, par. 10, amended. Licensing cinematographs.

4. The paragraph numbered 3 in section 583 of the said Act is amended by adding after the word "sums" in the 3 Edw. VII, c. 19, s. 583, par. 3, amended.

License fee for auctioneers.

first line thereof, the following words, "not to exceed $50 in each case."

3 Edw. VII, c. 19, s. 583, par. 5, amended. License fees for billiard and bagatelle tables.

5. The paragraph numbered 5 in section 583 of the said Act is amended by adding after the word "sums" in the first line thereof the following words "not to exceed $30 for one table and $10 for each additional table."

3 Edw VII, c. 19, s. 583, par. 7, amended. License fees for bill posters.

6. The paragraph numbered 7 in section 583 of the said Act is amended by adding after the word "sums" in the first line thereof, the following words, "not to exceed $25 in each case."

3 Edw. VII. c. 19, s. 583, par. 9, amended. License fees for places of amusement.

7. The paragraph numbered 9 in section 583 of the said Act is amended by adding to the same the following words, "for a circus or menagerie, and not exceeding $50 for a roller skating rink."

3 Edw. VII, c 19, s. 583, par. 11, amended.

License fees for bowling alleys, theatres, etc.

8. The paragraph numbered 11 in section 583 of the said Act is amended by adding to the same the following words, "not exceeding $50 for a bowling alley with one or two beds and $10 for each additional bed; and not exceeding $100 for each theatre, music hall, moving picture show or other place of amusement."

3 Edw. VII, c. 19, s. 583, par. 16, amended.

License fees for pedlars, etc.

9. The paragraph numbered 16 in section 583 of the said Act is amended by adding after the word " basket" in the sixth line of the said subsection as originally enacted, the following words, "and in towns, counties and cities having a population of less than 100,000, the license fee shall not be more than $100 for a two horse wagon, $75 for a one horse wagon, $50 for a push cart, and $25 for one carrying a pack or basket or travelling on foot.

3 Edw. VII, c. 19, s. 583, par. 29, amended. License fees for tobacconists.

10. The paragraph numbered 29 in section 583 of the said Act is amended by adding after the word "sums" in the first line thereof, the following words, "not to exceed $25 in each case."

3 Edw. VII, c. 19, s. 583, par 32, amended.

License fees for transient traders.

11. The paragraph numbered 32 in section 583 of the said Act is amended by adding after the word "sums" in the first line thereof. the following words, "not to exceed $250 in cities and $100 in other municipalities."

No. 122.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 2nd March, 1909.

Mr. MACDIARMID.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 123. 1909

BILL.

An Act to provide Compensation for Injuries to Employees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. In this Act

"Employee."

(*a*) "Employee" shall mean an engineer, conductor or brakesman in the employ of any railway company;

"Employer."

(*b*) "Employer" shall mean a "railway company."

Right to compensation for personal injury.

2.—(1) If in any employment personal injury by accident arising out of and in the course of the employment is caused to an employee his employer shall, subject as hereinafter mentioned, be liable to pay compensation.

Proviso.

(2) Provided that

Negligence of employer or agent.

(*a*) If the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any other civil liability of the employer;

Negligence of employee.

(*b*) If it is proved that the injury to the employee is attributable to his own serious and wilful misconduct any compensation claimed in respect to that injury shall be disallowed.

No 123.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to provide Compensation for Injuries to Employees.

First Reading, 2nd March, 1909.

Mr. FRASER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 124 **BILL.** 1909

An Act to amend the Act to provide for Development of Water-power at Dog Lake.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of the Act passed in the 8th year of His Majesty's reign, Chaptered 24, is amended by adding after the word "Commission" in the last line of such section, the words, "or of the Department in charge of the work." 8 Edw. VII, c. 24, s. 4 amended. Report before payment of cost of work.

No. 124.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act to provide for Development of Water-power at Dog-Lake.

1st Reading, 2nd March, 1909.

Mr. REAUME.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 124 **BILL.** 1909

An Act to amend the Act to provide for Development of Water-power at Dog Lake.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of the Act passed in the 8th year of His Majesty's reign, Chaptered 24, is amended by striking out the figures "$20,000" in the third line and substituting the figures "$40,000" therefor, and by adding after the word "Commission" in the last line of such section, the words, "or of the Department in charge of the work." 8 Edw. VII, c. 24, s. 4 amended. Report before payment of cost of work.

No 124.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act to provide for Development of Water-power at Dog Lake.

1st Reading, 2nd March, 1909.
2nd Reading, 5th March, 1909.

Mr. REAUME.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 125 **BILL.** 1909

An Act to amend The Audit Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Audit Act* is repealed and the following is substituted therefor: 8 Ed. VII, c. 9, s. 3, repealed.

3. The Lieutenant-Governor in Council may appoint an officer to be called the Auditor, who shall be paid a salary of $ per annum, which shall be charged to and be paid out of The Consolidated Revenue Fund. Auditor, appointment and salary.

2. Subsection 1 of section 10 of *The Audit Act* is amended by inserting after the word "shall" in the first line of the said subsection the words, "subject to the exceptions hereinafter mentioned." 8 Edw. VII, c. 9, s. 10, subs. 1, amended.

3. Clause *c* of subsection 1 of section 13 of *The Audit Act* is repealed and the following is substituted therefor: 8 Edw. VII, c. 9, s. 13, subs. 1, amended.

(*c*) When the Auditor has for any reason refused to certify that a cheque may issue, the Department making requisition for the cheque shall notify him that the matter will be referred to the Treasury Board and thereupon the correspondence in the case together with a memorandum stating: Reference to Treasury Board

i. The purpose for which the expenditure is required;

ii. The appropriation to which the expenditure is chargeable;

iii. The objections taken by the Auditor;

iv. The answers to such objections

shall be submitted to the Treasury Board and the Board may determine as to the sufficiency of the Auditor's objec-

tions, and may in their discretion order the issue of the cheque and the Auditor shall countersign it.

8 Edw. VII, c. 9, amended.

4. *The Audit Act* is amended by inserting the following section therein:

Accounts for travelling expenses, etc., not exceeding $100.

17.—(*a*) Where the account of any official for transportation, travelling and incidental expenses does not exceed the sum of $100, such account may be certified by the Minister, or Acting Minister, to whose Department such official belongs, and when so certified shall be sufficient authority for the issuing of a cheque by the Treasurer of the Province for the amount thereof, and the Auditor shall countersign such cheque, and shall also countersign all cheques issued under the authority of section 17 of this Act.

8 Edw. VII, c. 9, amended.

5. *The Audit Act* is amended by adding thereto the following section:

Regulations of Treasury Board as to preparation of accounts.

29.—(1) The Treasury Board may direct in what manner and with what detail the Public Accounts and Statements therein are to be prepared and may make regulations in regard thereto for the guidance of the Auditor who shall carry out the same.

(2) The Treasury Board may in like manner make regulations with regard to reports and statements to be made by the Auditor under section 13 of this Act, and the detail with which the same shall be printed in the Public Accounts, and it shall be the duty of the Auditor to conform to any regulations so made.

No. 125.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Audit Act.

First Reading, 2nd March, 1909

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 125 **BILL.** 1909

An Act to amend The Audit Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Audit Act* is repealed and the following is substituted therefor: 8 Ed. VII, c. 9, s. 3, repealed.

3. The Lieutenant-Governor in Council may appoint an officer to be called the Auditor, who shall be paid a salary of *$3,500* per annum, which shall be charged to and be paid out of The Consolidated Revenue Fund. Auditor, appointment and salary.

2. Subsection 1 of section 10 of *The Audit Act* is amended by inserting after the word "shall" in the first line of the said subsection the words, "subject to the exceptions hereinafter mentioned." 8 Edw. VII, c. 9, s. 10, subs. 1, amended.

3. Clause *c* of subsection 1 of section 13 of *The Audit Act* is repealed and the following is substituted therefor: 8 Edw. VII, c. 9, s. 13, subs. 1, amended.

(*c*) When the Auditor has for any reason refused to certify that a cheque may issue, the Department making requisition for the cheque shall notify him that the matter will be referred to the Treasury Board and thereupon the correspondence in the case together with a memorandum stating: Reference to Treasury Board

i. The purpose for which the expenditure is required;

ii. The appropriation to which the expenditure is chargeable;

iii. The objections taken by the Auditor;

iv. The answers to such objections

shall be submitted by the Minister in charge of the Department to the Treasury Board and the Board

may determine as to the sufficiency of the Auditor's objections, and may in their discretion order the issue of the cheque and the Auditor shall countersign it.

8 Edw. VII, c. 9, amended.

4. *The Audit Act* is amended by inserting the following section therein:

Accounts for travelling expenses, etc., not exceeding $100.

17.—(*a*) Where the account of any official for transportation, travelling and incidental expenses does not exceed the sum of $100, such account may be certified by the Minister, or Acting Minister, to whose Department such official belongs, and when so certified shall be sufficient authority for the issuing of a cheque by the Treasurer of the Province for the amount thereof, and the Auditor shall countersign such cheque, and shall also countersign all cheques issued under the authority of section 17 of this Act, and a statement giving a list of such certificates shall be published in the public accounts for the year.

8 Edw. VII, c. 9, amended.

5. *The Audit Act* is amended by adding thereto the following section:

Regulations of Treasury Board as to preparation of accounts.

29.—(1) The Treasury Board may direct in what manner and with what detail the Public Accounts and Statements therein are to be prepared and may make regulations in regard thereto for the guidance of the Auditor who shall carry out the same.

(2) The Treasury Board may in like manner make regulations with regard to reports and statements to be made by the Auditor under section 13 of this Act, and the detail with which the same shall be printed in the Public Accounts, and it shall be the duty of the Auditor to conform to any regulations so made.

8 Edw. VII., c. 9, s. 2, repealed.

6. Subsection 2 of section 13 of *The Audit Act* is repealed and the following substituted therefor:—

The auditor shall prepare a statement of all such legal opinions, reports to council, special warrants and cheques for the issue of which he has refused to certify, and of all expenditures incurred in consequence thereof, and such statement shall be delivered to the Treasurer and be laid before the Assembly not later than the third day of the Session of the Legislature then next ensuing.

No. 125.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Audit Act.

First Reading, 2nd March, 1909.
Second Reading, 12th March, 1909.

(*Reprinted as amended by Committee of the Whole House*).

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 126. 1909

BILL.

An Act respecting The Niagara Peninsular Railway Company.

Preamble.

WHEREAS The Niagara Peninsular Railway Company was incorporated by an Act passed in the 7th year of the reign of His Majesty King Edward VII., and Chaptered 102, to construct a line of railway in the Village of Port Colborne and in the Townships of Humberstone and Wainfleet in the County of Welland; and whereas the said Railway Company has by its petition prayed for an Act to extend its line of railway from the northern terminus thereof in the said Township of Humberstone, northerly through the Townships of Humberstone, Crowland, Thorold and Grantham in the said County of Welland, to a point in or near the City of St. Catharines, and has further prayed that its capital stock be increased from $50,000.00 to $200,000.00, and has further prayed that all of the provisions of *The Ontario Railway Act of 1906*, shall apply to the said Company and to the railway constructed or to be constructed under the said Act passed in the 7th year of the reign of His Majesty King Edward VII., and to the railway to be constructed under this Act; and whereas it is expedient to grant the prayer of the said petitioner;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of railway authorized.

1. The Company is hereby authorized and empowered to survey, lay out, construct, complete, acquire, operate, equip, maintain, alter and keep in repair a railway to be operated by steam or electricity or other motive power from the northern terminus of the railway of said Company, as authorized by section 2 of the Act passed in the 7th year of His Majesty's reign, Chaptered 102, in the Township of Humberstone, northerly through the Townships of Humberstone, Crowland, Thorold and Grantham in

the County of Welland, to a point in or near the City of St. Catharines.

7 Edw. VII., c 102, s 5 repealed.

2. Section 5 of the said Act passed in the 7th year of His Majesty's reign, Chaptered 102, is hereby repealed and the following is substituted therefor:

"5. The capital stock of the Company shall be $200,000.00 divided into 2,000 shares of the par value of $100.00 each."

7 Edw. VII., c 102, ss 9, 10 and 11 repealed.

3. Sections 9, 10 and 11 of the said Act passed in the 7th year of His Majesty's reign, Chaptered 102, are hereby repealed.

Application of provisions of 6 Edw. VII., c. 30.

4. All of the provisions of *The Ontario Railway Act, 1906*, shall apply to the said Company and to the railway constructed or to be constructed under the said Act passed in the 7th year of the reign of His Majesty King Edward VII., and to the railway to be constructed under this Act.

No. 126.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Niagara Peninsular Railway Company.

First Reading, 1909.

(*Private Bill.*)

Mr. FRASER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 126 **BILL.** 1909

An Act respecting the Niagara Peninsular Railway Company.

Preamble.

WHEREAS The Niagara Peninsular Railway Company was incorporated by an Act passed in the 7th year of the reign of His Majesty King Edward VII., and Chaptered 102, to construct a line of railway in the Village of Port Colborne and in the Townships of Humberstone and Wainfleet in the County of Welland; and whereas the said Railway Company has by its petition prayed for an Act to extend its line of railway from the northern terminus thereof in the said Township of Humberstone, northerly through the Townships of Humberstone, Crowland, Thorold and Grantham in the said County of Welland, to a point in or near the City of St. Catharines; and has further prayed that its capital stock be increased from $50,000 to $200,000; and has further prayed that the provisions of *The Ontario Railway Act, 1906*, shall apply to the said Company and to the railway constructed or to be constructed *by it*; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of railway authorized.

1. The Company is authorized and empowered to survey, lay out, construct, complete, equip *and* maintain a railway to be operated by steam or electricity or other motive power from the northern terminus of the railway of said Company, as authorized by section 2 of the Act passed in the 7th year of His Majesty's reign, Chaptered 102, in the Township of Humberstone, northerly through the Townships of Humberstone, Crowland, Thorold and Grantham in the County of Welland, to a point in or near the City of St. Catharines, ☛ in the County of Lincoln. ☚

7 Edw. VII., c 102, s 5 repealed.

2. Section 5 of the said Act passed in the 7th year of His Majesty's reign, Chaptered 102, is repealed and the following is substituted therefor:

5. The capital stock of the Company shall be $200,000.

7 Edw. VII., c 102, ss 7, 8, 9, 10 and 11 repealed.

3. Sections 7, 8, 9, 10 and 11 of the said Act passed in the 7th year of His Majesty's reign, Chaptered 102, are repealed.

Application of provisions of 6 Edw. VII., c. 30.

4. *The Ontario Railway Act, 1906*, shall apply to the said Company and to the railway constructed or to be constructed *by it*.

No. 126.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Niagara Peninsular Railway Company.

First Reading, 11th March, 1909.

(*Reprinted as amended by the Railway Committee*).

Mr. FRASER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 127 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 10 of *The Assessment Act* is amended by adding thereto the following clause:— 4 Edw. VII., c. 23, s. 10, subs. 1 amended.

(*gg*) Every person carrying on the business of a flour miller in a mill having a capacity of less than 100 barrels a day for a sum equal to 35 per cent. of the said assessed value. Business assessment of millers.

2. Clause (*e*) of the said subsection 1 is amended by adding at the end, the words, "and in towns and villages having less than 5,000 population, every publisher of a newspaper shall be assessed for a sum equal to 35 per cent. of the said assessed value." 4 Edw. VII., c. 23, s. 10, subs. 1, amended.

No. 127.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 3rd March, 1909.

Mr. PEARCE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 128. 1909

BILL.

An Act for the better administration of Justice, to lessen the number of Appeals and the cost of Litigation, and for other purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Law Reform Act, 1909.*"

Interpretation.

2. In this Act

"Appellate Division."

(*a*) "Appellate Division" shall mean Appellate Division of the Supreme Court.

"Court of Appeal."

(*b*) "Court of Appeal" shall mean Court of Appeal for Ontario.

"Divisional Court."

(*c*) "Divisional Court" shall mean Divisional Court of the Appellate Division of the Supreme Court.

"High Court."

(*d*) "High Court" shall mean High Court of Justice for Ontario.

"High Court Division."

(*e*) "High Court Division" shall mean High Court Division of the Supreme Court.

"Judge."

(*f*) "Judge" shall include an *ex-officio* Judge.

"Supreme Court."

(*g*) "Supreme Court" shall mean Supreme Court of Ontario.

Use of singular and plural numbers.

Words in the singular number interpreted by this section shall have a corresponding meaning when used in the plural.

Supreme Court to be "The Supreme Court of Ontario."

3. The Supreme Court of Judicature for Ontario shall hereafter be known as and designated the Supreme Court of Ontario.

Appellate Division and High Court Division of Supreme Court.

4. The Supreme Court shall consist of two branches or divisions which shall be known as and designated respectively, The Appellate Division of the Supreme Court of Ontario, and the High Court Division of the Supreme Court of Ontario.

Court of Appeal to be Appellate Division.

5.—(1) The Court of Appeal shall hereafter be known as and designated The Appellate Division of the Supreme Court of Ontario.

(2) Such Division shall not be deemed to be a new Court but only a continuation of the Court of Appeal.

High Court to be High Court Division.

6.—(1) The High Court shall hereafter be known as and designated The High Court Division of the Supreme Court of Ontario.

(2) Such Division shall not be deemed to be a new Court but only a continuation of the High Court.

Existing Divisions and Divisional Courts abolished.

7. The Divisions and Divisional Courts of the High Court are abolished.

Chief Justices and Chancellor to retain rank and titles.

8.—(1) The present Chief Justice of Ontario, the present Chancellor and the present Chief Justices of Divisions of the High Court shall retain their existing rank and titles, except that the Chief Justice of the Exchequer Division shall hereafter be known as and designated Chief Justice of the Exchequer.

Abolition of offices of Chancellor and Chief Justices as vacancies occur.

(2) When and as vacancies occur in the office of Chancellor or of Chief Justice, except that of Chief Justice of Ontario, the office shall be abolished, and when the present Chancellor and all the present Chief Justices other than the Chief Justice of Ontario, cease to hold office, there shall thereafter be in addition to the Chief Justice of Ontario but one Chief Justice, who shall bear the title of and be designated Chief Justice of the High Court.

Precedence among judges.

9.—(1) The Chief Justices mentioned in the next preceding section, the Chancellor and the present Justices of the Supreme Court of Judicature for Ontario shall have the same precedence among themselves as they now have.

(2) Subject to the provisions of subsection 1, the Chief Justice of Ontario shall have rank and precedence over all the other Judges, the Chief Justice of the High Court shall be next in rank and precedence, and the other Judges shall have rank and precedence among themselves according to seniority of appointment.

Jurisdiction of Appellate Division.

10.—(1) All jurisdiction, power and authority now vested in the Court of Appeal or in the Divisional Courts of the High Court shall hereafter be vested in the Appellate Division.

(2) All jurisdiction, power and authority now vested in a Judge of the Court of Appeal or in a Judge of a Divisional Court of the High Court shall be vested in a Judge of the Appellate Division.

Ex officio judges.

11. Every Judge of the Supreme Court shall be *ex-officio* a Judge of the Division to which he is not appointed or does not belong.

Divisional Courts of Appellate Division.

12.—(1) There shall be as many Divisional Courts of the Appellate Division as are necessary for the proper despatch of the business of the Division.

(2) There shall at all times be at least two of such Divisional Courts.

How constituted.

(3) A Divisional Court shall consist of five Judges.

To be numbered.

(4) The Divisional Courts shall be numbered consecutively, beginning with number one.

First Divisional Court.

13. The first Divisional Court shall consist of the Chief Justice of Ontario and the other Judges of the Appellate Division, not including, however, except as hereinafter mentioned, an *ex-officio* Judge.

Annual selection of judges for Second Divisional Courts.

14.—(1) The Judges of the Supreme Court shall at a meeting to be held in the month of December in each year, and not later than the second Monday in the month, select the Judges to constitute the second Divisional Court for the next ensuing calendar year, and when such selection has been approved by the Lieutenant-Governor in Council; the Judges so selected shall be the Judges to constitute the second Divisional Court for such year.

Additional Divisional Courts.

(2) Whenever the volume of business in the Appellate Division shall require, or the Lieutenant-Governor in Council shall be of opinion and declare, that an additional Divisional Court or additional Divisional Courts shall be constituted, the Judges of the Supreme Court shall select the Judges to constitute such Court or Courts.

Permanent and temporary Divisional Courts.

(3) The first and second Divisional Courts shall be permanent Divisional Courts, and those constituted under the provisions of subsection 2 shall be temporary Divisional Courts.

When judges fail to make selection.

(4) In the event of the Judges of the Supreme Court failing at the prescribed time to select the Judges who are to constitute the Divisional Courts or any of them, the selection may be made by the Lieutenant-Governor in Council.

Judges of one Divisional Court may sit in another.

(5) Whenever occasion requires, a Judge of any Divisional Court may sit in the place of any other Judge of any Divisional Court.

Ad hoc judges of Divisional Courts.

(6) Whenever occasion requires, a Judge who is not a member of any Divisional Court may sit in the place of any Judge of any Divisional Court.

Right of judge to sit in place of another not to be questioned.

(7) A Judge who sits in the place of a Judge of a Divisional Court shall be conclusively deemed to have been entitled and qualified to so sit, within the meaning of the next preceding two subsections.

Judge may give judgment after ceasing to sit in Divisional Court.

(8) A Judge who has sat in a Divisional Court on the hearing of any appeal, matter or proceeding therein may give judgment notwithstanding that he is no longer a Judge of such Court.

Judge to include Chief Justice of Ontario.

(9) The word "Judge" as used in this section shall include the Chief Justice of Ontario.

Member of present Court of Appeal not to be assigned to other work without his consent.

15. Neither the Chief Justice of Ontario nor any of the present Judges of the Court of Appeal shall without his consent be assigned to, or required to perform any duty, except such as appertains to him as a member of the Appellate Division.

Four judges may hear appeals.

16.—(1) Appeals to a Divisional court may be heard and disposed of by a Court of four Judges.

Exception as to Election trials and Criminal matters.

(2) This section shall not apply to appeals under *The Ontario Controverted Elections Act* or to cases and matters which come before the Court under the provisions of the Criminal Code, all of which shall be heard and disposed of by a full Court of five Judges.

Monthly sittings of Divisional Courts.

17. There shall be monthly sittings of a Divisional Court, and, subject to Rules of Court and to any other arrangement between the Judges constituting the permanent Divisional Courts, such Courts shall sit in alternate weeks.

Existing provisions as to Divisional Courts substituted for those relating to Appeals and applications to Court of Appeal.

Exceptions.

Practice and procedure.

18. All statutory provisions, rules of court practice and procedure upon and as to appeals, motions and applications to the Court of Appeal are hereby repealed and abrogated, and hereafter, subject as to appeals under *The Ontario Controverted Elections Act* to the provisions of that Act, and as to appeals and applications for a new trial to the Court of Appeal under the Criminal Code to the provisions of that Act, and subject also to rules of court, the practice and procedure upon and as to appeals, motions and applications to a Divisional Court shall be the same as are now prescribed by *The Judicature Act* and Rules of Court with regard to appeals to a Divisional Court of the High Court.

19. Documents and proceedings shall be entitled, "In the Supreme Court of Ontario" adding the name of the Division in which the proceeding is taken or is pending. Documents to be entitled "In the Supreme Court of Ontario."

20.—(1) There shall hereafter be no appeal as of right to His Majesty in His Privy Council. No appeal as of right to Privy Council.

(2) Chapter 48 of the Revised Statutes of Ontario, intituled *An Act respecting Appeals to Her Majesty in Her Privy Council*, is hereby repealed. Rev. Stat. c. 48, repealed.

21. The prerogative of His Majesty to grant leave to appeal to His Majesty in His Privy Council, and the authority of the Judicial Committee of His Majesty's Privy Council to grant such leave are hereby abrogated except: Prerogative of Crown to grant leave to appeal to Privy Council abolished.

Exception.

(*a*) Where the construction of *The British North America Act* or the power or authority of the Government or Parliament of Canada or of the Provincial Governments or Legislatures thereunder is involved, and the Divisional Court so certifies;

(*b*) Where the sum or matter in controversy in the appeal exceeds in amount or value $10,000, exclusive of costs;

(*c*) Where the sum or matter in controversy in the appeal does not exceed in amount or value $10,000 exclusive of costs, but involves questions affecting rights or interests of such magnitude or importance as to warrant an appeal and the Divisional Court so certifies;

(*d*) Where the liberty of the subject is involved.

22.—(1) Subject to the provisions of subsections 2 and 3, all Courts of General Sessions of the Peace are hereby abolished, and the jurisdiction, power and authority now vested in or which are possessed or may be exercised by the Court of General Sessions of the Peace for any county or district, shall hereafter be vested in and shall be possessed and may be exercised by the County or District Court of such County or District. Abolition of courts of General Sessions of the Peace and transfer of jurisdiction to county and district courts.

(2) In the County of York there shall be excepted from the jurisdiction, power and authority vested in County and District Courts under subsection 1, the jurisdiction, power and authority now vested in or possessed or which may be exercised by the Court of General Sessions of the Peace for the County of York to try indictable offences. Exception as to county of York

(3) In all matters and proceedings which have been fully heard and in which judgment shall not have been given, or having been given has not been signed, drawn up, passed, entered or otherwise perfected, judgment or Completion of matters not concluded when Act comes into force.

order may be given or made, signed, drawn up, passed, entered or otherwise perfected in the name of the same Court and by the same Judges and officers and generally in the same manner as if this section had not been enacted, and for these purposes such Court shall be deemed to continue to exist.

Enforcing judgment or orders.

(4) Every judgment or order of any such Court which has been perfected may be executed and enforced and if necessary amended or discharged by the proper County or District Court in the same manner as if it had been a judgment or order of that Court and all matters and proceedings pending in any of the Courts hereby abolished shall be continued and concluded in and before the proper County or District Court which shall have jurisdiction for so continuing and concluding matters criminal as well as civil.

Jurisdiction of county and district courts.

(5) The proper County or District Court shall have the same jurisdiction as to all such matters and proceedings as if the same had been commenced therein and so far as relates to the form and manner of procedure, the same shall be continued and concluded in and before such Court conformably to the procedure thereof, or if there is no such procedure applicable the procedure shall be such as such County or District Court shall direct or prescribe.

What to be deemed the proper county or district court.

(6) In this section the proper County or District Court shall mean the County or District Court of the county or district in which under the provisions of subsection 1 the jurisdiction of the Court of General Sessions of the Peace for the county or district to which the particular provision relates is vested.

County judges' criminal court and police magistrates, etc. not affected.

(7) Nothing in this section shall take away or affect the jurisdiction now possessed by the County Judges' Criminal Court or by Police Magistrates, Magistrates or other functionaries for the trial of offences against the Criminal law.

Monthly sittings of High Court Division at Toronto for the trial of criminal cases in city and county of York.

23.—(1) Subject to Rules of Court there shall be, except during the Long Vacation, monthly sittings of the High Court Division at Toronto for the City of Toronto and the County of York for the trial of criminal offences, and such sittings shall be held at such times during the month as shall be fixed by the Judges of the Supreme Court.

One of the county judges to preside.

(2) One of the Judges of the County Court of the County of York may preside at such sittings for the trial of and shall have jurisdiction to try indictable offences which are now triable at the Court of General Sessions for the County of York, and he shall so preside when that duty is assigned to him by the Judges of the Supreme Court, and when so presiding he shall have all the powers of a Judge of the High Court Division.

(3) There may be separate sittings for the trial of the offences mentioned in the next preceding subsection, and such sittings may be held concurrently with a sittings at which a Judge of the High Court presides. Separate sittings at same time.

24. Sections, 22, 23 and 27 of *The County Courts Act* and all amendments thereto are hereby repealed. Rev. Stat. c. 55, ss. 22, 23 and 27, repealed.

25.—(1) The County and District Courts shall have jurisdiction in; Jurisdiction of county and district courts.

(*a*) Actions arising out of contract express or implied where the sum claimed does not exceed eight hundred dollars;

(*b*) Personal actions, except actions for criminal conversation and actions for libel, where the sum claimed does not exceed five hundred dollars;

(*c*) Actions for trespass or injury to land, where the value of the land does not exceed five hundred dollars;

(*d*) Actions for the recovery of property, real or personal, including actions of replevin and actions of detinue where the value of the property does not exceed five hundred dollars;

(*e*) Actions for the enforcement by foreclosure or sale or for the redemption of mortgages, charges or liens, where the sum claimed to be due does not exceed five hundred dollars;

(*f*) Partnership actions where the joint stock or capital of the partnership does not exceed in amount or value two thousand dollars;

(*g*) Actions by legatees under a will for the recovery or delivery of money or property bequeathed to them where the legacy does not exceed in value or amount five hundred dollars, and the estate of the testator does not exceed in value two thousand dollars;

(*h*) All other actions for equitable relief where the subject matter involved does not exceed in value or amount five hundred dollars; and

(*i*) Actions and contestations for the determination of the right of creditors to rank upon insolvent estates where the claim of the creditor does not exceed five hundred dollars.

(2) Where a defendant intends to dispute the jurisdiction of the Court on the ground that the action though otherwise within the proper competence of the Court is not within it because of the amount claimed or of the value Jurisdiction must be disputed in appearance.

of the property in question, he shall in his appearance state that he disputes the jurisdiction of the Court and the ground upon which he relies for disputing it, and in default of his so doing, unless otherwise ordered by the Court or a Judge, the question of jurisdiction shall not afterwards be raised or brought in question.

Transfer of cause to High Court Division.

(3) Where the notice mentioned in the next preceding subsection is given, the plaintiff may on præcipe require all papers and proceedings in the action to be transmitted to the proper office of the High Court Division in the County or District in which the action was brought, and it shall be the duty of the Clerk of the County or District Court to forthwith transmit the same to such office.

(4) When the papers and proceedings so transmitted are received at the proper office of the High Court Division the action shall *ipso facto* be transferred into the High Court Division in the same plight and condition as it was in at the time of the transfer, and thereafter may be proceeded with as if it had been commenced in the High Court Division.

Scale of costs in action transferred.

(5) Where an action is transferred into the High Court Division under the provisions of this section, if the plaintiff is awarded costs, unless otherwise ordered by the Court or a Judge, they shall be taxed according to the scale of the High Court Division, whether or not the action be in fact within the proper competence of the County or District Court.

Appeals and motions for new trials in county and district courts.

(6) Appeals and motions for new trials in the County and District Courts which by sections 50 and 51 of the County Courts Act are now required to be or may be made to such Courts shall hereafter be made to a Divisional Court.

Rev. Stat., c. 174, ss. 54 and 55, repealed.

26. Sections 54 and 55 of the Revised Statute respecting solicitors are hereby repealed.

Interpretation.

27. In this section and sections 26 to 45:

"Client."

(*a*) "Client" shall include a person who as a principal or on behalf of another person retains or employs or is about to retain or employ a solicitor and a person who is or may be liable to pay the bill of a solicitor for any services, fees, costs, charges or disbursements;

"Services."

(*b*) "Services" shall include fees, costs, charges and disbursements.

Agreements between solicitors and clients as to compensation.

28.—(1) Subject to the provisions of sections 29 to 45, a solicitor may make an agreement in writing with his client respecting the amount and manner of payment for the whole or a part of any past or future services in respect

of business done or to be done by such solicitor, either by a gross sum or by salary or otherwise, and either at the same rate or at a greater or less rate than that at which he would otherwise be entitled to be remunerated.

(2) This section shall apply to and include any business to which section 53 of the Revised Statute respecting solicitors relates, whether or not any general rule under section 52 thereof is in operation.

Approval of agreement by taxing officer.

29. Where the agreement is made in respect of business done or to be done in any Court, except a Division Court, the amount payable under the agreement shall not be received by the solicitor until the agreement has been examined and allowed by a taxing officer of a Court having power to enforce the agreement.

Opinion of court or judge on agreement.

30. Where it appears to the taxing officer that the agreement is not fair and reasonable, he may require the opinion of a Court or a Judge to be taken thereon.

Rejection of agreement by court or judge.

31. The Court or Judge may either reduce the amount payable under the agreement or order it to be cancelled and the costs, fees, charges and disbursements in respect of the business done to be taxed in the same manner as if the agreement had not been made.

Agreement not to affect costs as between party and party.

32. Such an agreement shall not affect the amount, or any right or remedy for the recovery, of any costs, recoverable from the client by any other person, or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be taxed in the ordinary manner, unless such person has otherwise agreed; but the client who has entered into the agreement shall not be entitled to recover from any other person under any order for the payment of any costs which are the subject of the agreement, more than the amount payable by the client to his own solicitor under the agreement.

Claims for additional remuneration excluded.

33. Such an agreement shall exclude any further claim of the solicitor beyond the terms of the agreement in respect of services in relation to the conduct and completion of the business in respect of which it is made, except such as are expressly excepted by the agreement.

Agreements relieving solicitor from liability for negligence void.

34. A provision in any such agreement that the solicitor shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be subject as such solicitor shall be wholly void.

Determination of disputes under the agreement.

35. No action shall be brought upon any such agreement, but every question respecting the validity or effect of it may be examined and determined, and it may be enforced or set aside without action on the application of any person who is a party to the agreement or who is or is alleged to be liable to pay or who is or claims to be entitled to be paid the costs, fees charges or disbursements in respect of which the agreement is made, by the Court not being a Division Court in which the business or any part of it was done or a Judge thereof, or if the business was not done in any Court by the High Court Division or a Judge thereof.

Enforcement of agreement.

36. Upon any such application if it shall appear to the Court or Judge that the agreement is in all respects fair and reasonable between the parties, it may be enforced by such Court or Judge by order in such manner and subject to such conditions as to the costs of the application as such Court or Judge may think fit, but if the terms of the agreement shall not be deemed by the Court or Judge to be fair and reasonable, the agreement may be declared void, and the Court or Judge may order it to be delivered up to be cancelled and may direct the costs, fees, charges and disbursements incurred or chargeable in respect of the matters included therein to be taxed in the ordinary manner.

Order of court for re-opening of agreement.

37. Where the amount agreed for under any such agreement has been paid by or on behalf of the client or by any person chargeable with or entitled to pay the same, the High Court Division or a Judge thereof may upon the application of the person who has paid such amount within twelve months after the payment thereof if it appears to such Court or Judge that the special circumstances of the case require the agreement to be re-opened, re-open the same and order the costs, fees, charges and disbursements to be taxed and may also order the whole or any part of the amount received by the solicitor to be repaid by him on such terms and conditions as to the Court or Judge may seem just.

Agreements made by client who is guardian, trustee or committee, to be approved by taxing officer.

38. Where any such agreement is made by the client in the capacity of guardian or of trustee under a deed or will or of committee of any person whose estate or property will be chargeable with the amount or any part of the amount payable under the agreement, the agreement shall before payment be laid before the senior taxing officer at Toronto, who shall examine it and may disallow any part of it or may require the direction of the Court or a Judge to be made thereon.

Client paying without approval to be liable to estate.

39. If the client pays the whole or any part of such amount without the previous allowance of such officer or the direction of the Court or a Judge he shall be liable to

account to the person whose estate or property is charged with the amount paid or any part of it for the amount so charged, and the solicitor who accepts such payment may be ordered by the Court or Judge to refund the amount received by him.

Solicitors not to purchase any interest in litigation or to make payment dependent upon success.

40. Nothing in sections 27 to 45 shall give validity to a purchase by a solicitor of the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained or give validity to an agreement by which a solicitor retained or employed to prosecute any action or proceeding stipulates for payment only in the event of success in such action or proceeding or where the amount to be paid to him is a percentage of the amount or value of the property recovered or preserved or otherwise determinable by such amount or value or dependent upon the result of the action or proceeding.

Security may be given to solicitor for costs.

41. A solicitor may accept from his client and a client may give to his solicitor, security for the amount to become due to the solicitor for business to be transacted by him and for interest thereon, but so that the interest is not to commence until the amount due is ascertained by agreement or by taxation.

Interest on disbursements and costs.

42. A solicitor may charge interest at the rate of five per centum per annum on his disbursements and costs whether by scale or otherwise from the expiration of one month from demand from the client, and where the same are payable by an infant or out of a fund presently available the demand may be made on the parent or guardian or the trustee or other person liable.

Where solicitor dies or becomes incapable of acting after agreement.

43. Where a solicitor has made such an agreement and anything has been done by him under it and before the agreement has been completely performed by him, such solicitor dies or becomes incapable to act, an application may be made to any Court which would have jurisdiction to examine and enforce the agreement, by any person who is a party thereto, and such Court may thereupon enforce or set aside the agreement so far as the same may have been acted upon as if such death or incapacity had not happened, and if it deems the agreement to be in all respects fair and reasonable may order the amount in respect of the past performance of it to be ascertained by taxation; and the taxing officer in ascertaining such amount shall have regard, so far as may be, to the terms of the agreement, and payment of the amount found to be due may be ordered in the same manner as if the agreement had been completely performed by the solicitor.

Changing solicitor after making agreement.

44. If after any such agreement has been made the client shall change his solicitor before the conclusion of the business to which the agreement relates, which he shall be at liberty to do notwithstanding the agreement, the solicitor party to the agreement shall be deemed to have become incapable to act under it within the meaning of the next preceding section, and upon any order being made for taxation of the amount due him in respect to the past performance of the agreement, the Court shall direct the taxing officer to have regard to the circumstances under which such change of solicitor took place, and upon the taxation the solicitor shall not be deemed to be entitled to the full amount of the remuneration agreed to be paid to him, unless it shall appear that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for such change of solicitor.

Bills under agreement not to be liable to taxation.

45. Except as otherwise provided in sections 26 to 45, a bill of a solicitor for the amount due under any such agreement shall not be subject to any taxation or to any provision of law respecting the signing and delivery of a bill of a solicitor.

Repeal of inconsistent enactments.

46. All Acts, enactments and Rules of Court inconsistent with this Act are hereby repealed.

Act to come into force when proclaimed, in whole or in part.

47.—(1) This Act shall not come into force until a day to be named by the Lieutenant-Governor by his proclamation.

(2) Any such proclamation may apply to the whole or any part or parts of the Act, and proclamations may be issued as to any part or parts of the Act at different periods.

No 128.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act for the better Administration of Justice, to lesson the number of Appeals and the costs of litigation, and for other purposes.

First Reading, 3rd March, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 129 **BILL.** 1909

An Act respecting Embalmers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *"The Embalmers' Act, 1909."*

Incorporation of "Embalmers' Association of Ontario."

2. All persons who shall cause their names to be registered under the provisions of this Act, shall be and are hereby incorporated, under the name and style of "Embalmers' Association of Ontario," hereinafter referred to as the "Association."

Council.

3.—(1) There shall be a Council of said Association, which shall consist of nine members who shall be British subjects, residing in and carrying on the business of embalmers in the Province of Ontario, and shall be elected as hereinafter provided, and hold office for three years; and the said Council shall (subject to the provisions of this Act and the by-laws governing the said Association), have sole control of the property of the Association and have authority to grant certificates of competency to applicants to conduct the business of embalming, and to be registered subject to the provisions of this Act.

Quorum.

(2) Five members of the said Council shall constitute a quorum for the transaction of business.

Powers of council.

4. The Council of the said Association shall, subject to the supervision and the dis-allowance thereof by the Lieutenant-Governor in Council, have authority to prescribe the subjects upon which candidates for certificates of competency shall be examined, to establish a scale of fees not to exceed $10 to be paid by the persons applying for examination, and to make by-laws, rules and orders for the regulation of their own meetings and proceedings and those of

the Association, and for the appointment, term of office and remuneration of examiners and officers of the said Council; and for the payment of remuneration or indemnity to the members of such Council in attending its sittings, or in attending upon the business of the said Council; and for fixing the term of service for applicants desiring certificates of fitness to carry on the said business of embalming; and in respect to any other matters which may be requisite for the carrying out of the provisions of this Act.

Election of council.

5. An election of the members of said Council shall be held on the first Wednesday in September, occurring after the first Monday, and the persons qualified to vote at such elections shall be such persons as are members of such association: provided, however, that the said Council may by by-law fix another date for the holding of the said election. The Council shall meet immediately after their election, and at their first meeting shall elect from among themselves a president and vice-president, and shall appoint a registrar and such other officers as the said Council may consider necessary. The said Council shall hold at least one sitting in every year after the year 1908 for the purpose of granting certificates of competency at such place or places as they may by resolution appoint, of which due notice shall be given for at least one month in at least two newspapers published in the City of Toronto.

Meetings of council.

Vacancies in council.

6. In the event of any vacancy occurring by resignation, death, or removal beyond the Province of Ontario permanently to reside, or ceasing to be a member of the said Association, the remaining members of the Council shall fill such vacancy from the qualified members of the Association.

First appointments to council.

7.—(1) The first Council of the Association shall be appointed by the Lieutenant-Governor in Council within two months after the passing of this Act, and those who shall be appointed must have resided and practised and carried on the business or profession of embalming within the said Province of Ontario for at least five years before the passing of this Act. The members of the Council appointed by the Lieutenant-Governor in Council shall hold office until the first annual meeting of the Association following the year 1908, and those members of the Council elected by the Association shall hold office for the following terms respectively thereafter, namely:—The first three names elected for the term of three years, the second three names for the term of two years and the remaining three names for the term of one year, and after such first election the three persons elected each year shall hold office for three years.

First meeting of council.

(2) The members of the said Council so appointed shall meet in the City of Toronto, in the County of York, for the

purpose of organization within one month after their appointment, at such time and place as may be directed by the Lieutenant-Governor in Council by proclamation in *The Ontario Gazette*.

Registration of persons at present in business.

8. Every undertaker who, at the time of the passing of this Act, was carrying on business on his own account, and every person who, at the time of the passing of this Act, was actually and actively engaged in the business of embalming, and who had been so engaged for the term of three years, within the Province of Ontario, shall be entitled within one year from the time of such passing, to be registered under this Act, upon production to the registrar of the said Council of such evidence of his having been so engaged, as said Council may require, and upon payment of a registration fee of $2.

Registration.

9. It shall be the duty of every person, as set forth in Clause 8, at the time of the passing of this Act, to cause within one year after the passing of this Act, his name, place of business and residence to be registered with the registrar of the said Council, who shall keep a book for the purpose, and enter such name, place of business and residence therein, upon the payment of the fee provided in section 8.

Subsequent registration.

10.—(1) Every person engaged in the business of embalming in the Province of Ontario at the time of the passing of this Act, who shall have failed to register with the said registrar within the time and in accordance with the provisions of this Act, and who shall desire to continue in said business, and every person who desires to commence the business of embalming shall make application to the said Council to be registered as an embalmer and shall present himself before the examining board at a time and place to be fixed by the Council, such examining board to be appointed as herein provided; and if it shall be found upon due examination that the applicant is possessed of good moral character, skill, ability and knowledge of the said business of embalming, and has furnished proof by statutory declaration signed by himself and two licensed embalmers, that he, the applicant, has had such experience as an assistant to an embalmer and has a reasonable knowledge of sanitation, the preservation of and disinfecting the bodies of deceased persons, and the apartment, clothing and bedding occupied and used by such persons, in case of death from infectious or contagious disease, the Council shall, upon payment of an amount which, with the examination fee paid, would amount to a sum not exceeding $12.00; register such applicant as a duly qualified embalmer.

Examining board.

(2) Said examining board shall consist of three persons and be appointed as follows, namely: One member by the Council of the Association, one by the Provincial Board of Health and one by the Lieutenant-Governor in Council.

Register, how to be kept.

11.—(1) The registrar shall make and keep a correct register in accordance with the provisions of this Act, as shown in "Schedule A," or to the like effect, of all persons who become entitled to be registered under this Act, and enter opposite the names of all persons so registered who have died, a statement of such fact, and from time to time to make the necessary alterations in the addresses of persons registered, and shall cause to be printed or published on or before the day of in each year, an alphabetical list of the persons who were on the day of of that year entitled to carry on and engage in the business of embalming.

Transcript from register to be evidence.

(2) A transcript from said book, certified by the registrar with the common seal of the said Council, shall be received in evidence in any court of this Province.

Seal, certificates.

12. The said Council is hereby authorized to adopt and use a common seal, and issue certificates to members and licenses to carry on the business of embalming and caring for the bodies of dead persons.

Certificate or license.

13.—(1) Upon any person being registered under this Act, he shall be entitled to receive a certificate or license in the form of Schedule "B" to this Act, or to the like effect under the corporate seal of the said Council, and signed by the registrar.

Fee.

(2) The said Council may fix a fee to be paid for such certificate or license, sufficient to cover the cost thereof.

Licenses not to be transferable.

14. No license granted under the provisions of this Act shall be assignable or transferable, and every such license shall specify by name the person to whom it is issued.

Annual fees.

15. There shall be payable to the registrar of the said Council for the use of the said Council on the——day of——— in each year, by every person registered and carrying on business as an embalmer, the sum of $2.

"Licensed embalmer."

16. All persons registered under this Act, and no other persons shall be entitled to be called a licensed embalmer, and no other person except a licensed embalmer as aforesaid, actually engaged in business, shall be authorized to embalm the bodies of dead persons; but no person shall be entitled to the privileges of a licensed embalmer or a member of the said Association, who is in default in respect of any fees payable by him by virtue of this Act.

Erasure from register.

17. Upon a resolution of the Council of said Association being passed, declaring that any person is guilty of an offence or offences against the provisions of this Act, and is in the opinion of the Council unfit to have his name on the registry under this Act, the Lieutenant-Governor-in-Council may direct that the name of such person shall be erased from such registry, and it shall be the duty of the registrar to erase the same accordingly.

Certificate to be displayed in place of business.

18. Every licensed embalmer carrying on a business on his own account, shall display his certificate in a conspicuous place in his place of business.

Notice of retirement from business.

19. Every person having been registered under this Act shall, on retiring from business as a licensed embalmer, give the registrar of the said Council notice in writing of the same, and in default thereof he shall remain liable for his annual registration fee. Provided that it shall be lawful for any person who had been registered under this Act to resume the business of embalming at any time, after retiring therefrom as aforesaid, after giving notice in writing to the registrar of the Council of his intention so to do, and upon payment to the registrar of the then current annual registration fee.

Proviso.

Penalty for practising when unlicensed.

20. Any person who shall practise or hold himself out as practising the business of embalming without having complied with the provisions of this Act, shall be guilty of an offence and upon conviction thereof before any court of competent jurisdiction, shall be sentenced to pay a fine of not less than $50 or not more than $500, or undergo an imprisonment not exceeding one year, or both fine and imprisonment at the discretion of the court, for each and every offence.

Registry with Board of Health.

21. All persons receiving licenses under the provisions of this Act shall also register the fact at the office of the Board of Health of the city, town, or other municipality in which it is proposed to carry on the said business.

Penalties.

22. Any person transgressing any of the provisions of this Act shall for the first offence incur a penalty of $50 and costs of prosecution, and for each offence committed subsequent to such conviction, a penalty of not less than $100 and costs of prosecution to be recovered in a summary manner before one or more Justices of the Peace, or Police Magistrate on the oath of one or more credible witnesses, one moiety to belong to the prosecutor, and the other to be paid to the registrar, for the use of the Council.

Onus of proof of license.

23. In any prosecution under this Act, it shall be incumbent upon the defendant to prove that he is entitled

to carry on the business of a licensed embalmer, and the production of the certificate purporting to be under the hand of the registrar, and under the seal of the said Association, showing that he is so entitled, shall be *prima facie* evidence that he is so entitled.

No. 129.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Embalmers.

First Reading, 4th March, 1909.

Mr. FERGUSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 130 **BILL.** 1909

An Act to amend The Municipal Waterworks Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 37 of *The Municipal Waterworks Act* as amended by section 2 of the Act passed in the third year of His Majesty's reign, Chapter 24, is amended by adding after the word "fire" in the eleventh line thereof, the following words, "or upon the several properties, according to the assessed value thereof, fronting or abuting upon the streets in, through and along which both the waterworks mains and sewers are laid," and by striking out the words, "to meet the yearly interest on any debentures issued for the purposes of the said waterworks and to form a sinking fund for the payment of all such debentures" in the thirteenth, fourteenth and fifteenth lines thereof. Rev. Stat. c. 235, s. 37 amended.

No. 130.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Municipal Water-works Act.

First Reading, 4th March, 1909.

Mr. Fox.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 131 **BILL.** 1909

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 6 of section 41*a* of the said Act as enacted by section 7 of the Act passed in the eighth year of His Majesty's reign, Chaptered 67, is amended by striking out the word "three" and substituting the word "their," and by striking out all the words commencing after the word "then" in the eighth line down to and including the word "section" in the tenth line and substituting therefor the following words: "such two trustees shall be elected as provided for in this Act." 8 Edw. VII., c. 67, s. 7, amended.

2. Subsection 5 of section 64 of the *Public Schools Act* as enacted by section 7 of the Act passed in the fourth year of His Majesty's reign, Chaptered 30, is repealed and the following substituted therefor: 1 Edw. VII., c. 39, s. 64, subs. 5, repealed.

The Chairman or presiding officer of the Board may vote with the other members of the Board on all questions and any question on which there is an equality of votes shall be deemed to be negatived. Equality of votes on urban board.

3. Subsection 2 of section 70 of the *Public Schools Act* as enacted by section 18 of the Act passed in the seventh year of His Majesty's reign, Chaptered 51, is amended by adding thereto the following proviso:— 7 Edw. VII., c. 51, s. 19, subs. 2, amended.

Provided always that for the purposes of this section no assistant teacher shall be engaged in any section unless there are entered upon the school register as in attendance at the school in such section at least forty resident pupils. And no second assistant teacher unless at least eighty resident pupils are so registered. Proviso.

7 Edw. VII., c. 51, s. 19, subs. 3, amended.

4. Subsection 3 of the section 70 of the said Act as enacted by section 22 of the Act passed in the seventh year of His Majesty's reign, Chaptered 51, is amended by adding thereto the following proviso:—

Proviso.

Provided further, that in no case for the purposes of this section shall the number of teachers to be provided for in such Central School, be calculated at a greater number than would have been the number had the sections comprising such Central School remained separate.

No. 131

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Public Schools Act.

First Reading, 4th March, 1909.

Mr. CRAIG.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 132 **BILL.** 1909

An Act respecting the City of Port Arthur.

WHEREAS the Municipal Corporation of the City of Port Arthur has by petition represented that it is in the interests of the City that the issue of bonds by the Railway, Marine and General Hospital, Port Arthur, to the amount of $35,000, and By-law Number 231 of the said City passed on the Twentieth day of October, 1908, guaranteeing the payment of such bonds should be validated and confirmed; and whereas it is desirable that the by-laws specified in Schedule "A" hereto should be validated and confirmed in order that the debentures issued or to be issued thereunder may be more readily and profitably disposed of; and whereas all of the said by-laws which required such assent have been submitted to and assented to by the ratepayers of the said City in conformity with the provisions of *The Consolidated Municipal Act, 1903;* and whereas under the agreement set out as Schedule "B" to the Act passed in the eighth year of His Majesty's reign, Chaptered 80, it was provided that the present rates of fare and through service of cars should be continued until the thirty-first day of December, 1918, and it is in the interest of the said City that the present rates of fare and through service of cars should be continued in perpetuity; and whereas it is necessary and advisable to interpret and more clearly define the meaning of the agreement made between the Cities of Port Arthur and Fort William as incorporated in the award made by the Ontario Railway and Municipal Board; and whereas the said Corporation has prayed that an Act may be passed for the said and other purposes; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Hospital bonds and by-law No. 231 confirmed.

1. The bonds issued or to be issued by the Railway, Marine and General Hospital, Port Arthur, to the amount of $35,000 are validated and confirmed, and upon the giving by the said Hospital of a first mortgage on all its real property to the Corporation of the City of Port Arthur to indemnify the said City against any loss on account of the guarantee by the said City of such bonds, By-law Number 231 of the said City passed on the twentieth day of October, 1908, guaranteeing the payment of such bonds and all debentures issued or to be issued under the said By-law shall be legal, valid and binding on the said Municipal Corporation and the ratepayers thereof.

By-laws specified in Schedule "A" confirmed.

2. The by-laws specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all rates levied or to be levied for the payment thereof are validated and confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

Present rates and through service of cars.

3. Notwithstanding anything contained in clauses (*a*) and (*b*) of paragraph 6 of the agreement set out as Schedule "B" to the Act passed in the eighth year of His Majesty's reign, Chaptered 80, the "present rates of fare" and "through service of cars" mentioned in the said clauses shall be continued in perpetuity.

Street Railway offices.

4. The offices of the said Street Railway shall be in the City of Port Arthur until the thirty-first day of December, 1913.

Payment of cost of cars.

5. Until the thirty-first day of December, 1913, one-half of the cost of all new cars required for through service by the Board of Street Railway Commissioners shall be paid by the City of Port Arthur and one-half by the City of Fort William, and the whole cost of all new cars required for local service in either City shall be paid for by the City for which the same are required.

Construction of award of Railway and Municipal Board.

6. The words "maintenance," "repair," "interest," and "depreciation" wherever used in the award of the Ontario Railway and Municipal Board made pursuant to the agreement set out as Schedule "B" to the Act passed in the eighth year of His Majesty's reign, Chaptered 80, shall not be construed so as to make the cost of any part of the pavement laid down by the City of Fort William on any of the streets in Fort William on which the Street Railway runs chargeable against the receipts of the said Street Railway up to the thirty-first of December, 1913.

Limit of liability as to extensions of railway.

7. The City of Port Arthur shall not be liable to operate or pay interest or depreciation charges on any of the exten-

sions of the Street Railway System mentioned in the agreement incorporated in the award of the Ontario Railway and Municipal Board until such extensions are constructed and properly equipped for operation.

Agreements with Fort William.

8. The Cities of Fort William and Port Arthur may enter into agreements as to the management, operation, extension and equipment of the said Street Railway in either or both of the said Cities and for all other purposes in connection with the said Street Railway.

Mayor to be fifth Street Railway Commissioner.

9. Notwithstanding anything contained in the agreement set out as Schedule "B" to the Act passed in the eighth year of His Majesty's reign, Chaptered 80, the Mayor of the City of Port Arthur shall until the thirty-first day of December, 1913, be *ex-officio* the fifth Commissioner and Chairman of the Board of Street Railway Commissioners.

Investment of $52,000, amount of award.

10. The City of Port Arthur may invest the $52,000 paid by the City of Fort William under the award of the Ontario Railway and Municipal Board in any of its local improvement debentures or in any of its Street Railway debentures payable within twenty years.

Operation of street cars on Sunday.

11. Notwithstanding anything in *The Ontario Railway Act, 1906*, or in any other Act contained, street cars may be run on Sunday in the Cities of Fort William and Port Arthur and on all lines of the Street Railway System.

Election of members of Board of Railway Commissioners.

12. Notwithstanding anything contained in Schedule "B" to the Act passed in the eighth year of His Majesty's reign, Chaptered 80, the two members representing the City of Port Arthur on the joint Board of Street Railway Commissioners, shall be elected by the freeholders at the same time and in the same manner as the mayor and shall possess the same qualifications and be subject to the same disqualifications as the mayor, but no commissioner shall be a member of the council of the said City.

SCHEDULE "A."

No. of By-law.	Nature of work under By-law.	When passed by Council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Interest.
			$ c.	$ c.	$ c.		
236	To raise the sum of $5,000 for school building and site in Ward 3	November 10, 1908.....	5,000 00	5,000 00	.....	30 years...	5 per cent.
247	To consolidate into one issue of $40,563.74 the broken amounts of certain 5 per cent. twenty year local improvement debentures.....	November 12, 1908.....	40,563 74	5,808 23	34,755 51	20 " ...	5 "
248	To raise the further sum of $12,000 to complete the Current River Water Power Development Works	November 23, 1908.....	12,000 00	12,000 00	.....	30 " ...	5 "
249	To raise the sum of $27,000 for improving and strengthening Onion Lake Dam on Current River.....	November 23, 1908.....	27,000 00	27,000 00	.....	30 " ...	5 "
276	To consolidate into one issue of $18,991.22 the broken amounts of certain 5 per cent. twenty year local improvement debentures	December 19, 1908.....	18,991 22	223 55	18,767 67	20 " ...	5 "
294	To raise the sum. of $6,000 to pay for lands expropriated on Current River in connection with the Power Development of the city.....	January 15, 1909	6,000 00	6,000 00	.....	30 " ...	5 "

295	To authorize the issue of debentures for $10,000 for surveys and incidental expenses in connection with the Water Power at Dog Lake	January 15, 1909	10,000 00	10,000 00		30 "	5 "	
296	To raise the further sum of $25,000 to complete the Current River Water Power Development Works	January 15, 1909	25,000 00	25,000 00		30 "	5 "	
297	To grant an exemption from taxes except for school and frontage taxes for a period of four years to the Vigars-Shear Lumber Company	January 15, 1909						
298	To provide for the extension of the street railway along Arthur Street from Cumberland to Hill Street	January 15, 1909	9,500 00	9,500 00		30 "	5 "	
299	To provide for payment by the municipality at large of half the cost of grading Wilson Street from Cumberland Street to Algoma Street	January 15, 1909	1,974 00	1,974 00		20 "	5 "	
300	To provide for payment by the municipality at large of half the cost of grading Dufferin Street from Banning Street to Ross Street	January 15, 1909	6,712 00	6,712 00		20 "	5 "	
301	To provide for the additional expense of double tracking the electric street railway for the City of Port Arthur from Current River to the southerly boundary of the said city	January 15, 1909	28,500 00	28,500 00		30 "	5 "	

No. 132.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the City of Port Arthur.

First Reading, 18th March, 1909.

(*Private Bill.*)

Mr. CARRICK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 132 **BILL.** 1909

An Act respecting the City of Port Arthur.

Preamble.

WHEREAS the Municipal Corporation of the City of Port Arthur has by petition represented that it is in the interests of the City that the issue of bonds by the Railway, Marine and General Hospital, Port Arthur, to the amount of $35,000, and By-law Number 231 of the said City passed on the Twentieth day of October, 1908, guaranteeing the payment of such bonds should be validated and confirmed; and whereas it is desirable that the by-laws specified in Schedule "A" hereto should be validated and confirmed; and whereas By-law No. 250 set out as Schedule "B" hereto was submitted to and approved of by the ratepayers as required by *The Consolidated Municipal Act, 1903*, on the 19th day of November, 1908, and it is desirable that such by-law should be confirmed; and whereas it is necessary and advisable to interpret and more clearly define the meaning of the agreement made between the Cities of Port Arthur and Fort William as incorporated in the award made by the Ontario Railway and Municipal Board; and whereas the said Corporation has prayed that an Act may be passed for the said and *for the* other purposes *hereinafter set out;* and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Hospital bonds and by-law No. 231 confirmed.

1. The bonds issued or to be issued by the Railway, Marine and General Hospital, Port Arthur, to the amount of $35,000 are validated and confirmed, and upon the giving by the said Hospital of a first mortgage on all its real property to the Corporation of the City of Port Arthur to indemnify the said City against any loss on account of the guarantee by the said City of such bonds, By-law Number

231 of the said City passed on the twentieth day of October, 1908, guaranteeing the payment of such bonds and all debentures issued or to be issued under the said By-law shall be legal, valid and binding on the said Municipal Corporation and the ratepayers thereof.

By-laws specified in Schedule "A" confirmed.

2. The by-laws specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all rates levied or to be levied for the payment *of the said debentures* are validated and confirmed and declared to be legal, valid and binding upon the said Municipal Corporation and the ratepayers thereof.

By-law No. 250 confirmed.

3. By-law No. 250 of the City of Port Arthur set out as Schedule "B" hereto is ratified and confirmed and it is declared that the lands affected by the said by-law are All and singular the most northerly two hundred (200) feet in perpendicular width of the water lot in front of the north half of the north-east quarter of section fifty-two (52) of the Township of McIntyre as said water lot is shewn on a plan of survey by W. H. Furlonge, Provincial Land Surveyor, dated March 1st, 1882, of record in the Department of Crown Lands and registered, with other lands, under *Land Titles Act* as parcel 315 in the register for Thunder Bay at Port Arthur.

Street Railway offices

4. The offices of the said Street Railway shall be in the City of Port Arthur until the thirty-first day of December, 1913.

Payment of cost of new cars.

5.—(1) Until the thirty-first day of December, 1913, one-half of the number of all new cars required by the Joint Board of Street Railway Commissioners for through service shall be furnished by the Corporation of the City of Port Arthur and one-half by the Corporation of the City of Fort William and all new cars required for local service in either city shall be furnished by the city for which the same are required; provided, however, that any and all cars so furnished hereunder shall be within the meaning of the words "rolling stock" in paragraph one of the agreement set forth in the award of The Ontario Railway and Municipal Board made on the 4th day of July, 1908; and provided further that any and all expenditure made hereunder for cars by Fort William shall be within the meaning of the words "capital expenditure" in paragraph two of such agreement, and likewise within the meaning of the words "such expenditures" in paragraph three of such agreement.

(2) The council of each of the said cities may from time to time issue debentures without obtaining the assent of the electors thereto, payable within fifteen years from the date of issue thereof and bearing interest at such rate

as such council deems proper in order to purchase any and all cars required to be furnished hereunder.

Railway Board authorized to interpret agreement.

6. In the event of any difference arising as to the construction of the agreement set out as Schedule "B" to the Act passed in the 8th year of His Majesty's reign, Chaptered 80, or of the agreement incorporated in the award of The Ontario Railway and Municipal Board, dated the 4th day of July, 1908, or as to any matter or thing to be done or performed under their terms, such difference shall be determined if either of the said corporations so require, by The Ontario Railway and Municipal Board, and the decision of such Board shall be final and binding upon all parties.

Appointment of fifth Commissioner.

7.—(1) If the Commissioners fail to agree upon the appointment of the fifth Commissioner as provided by the agreement set out as Schedule "B" to the said Act, the appointment shall be made by The Ontario Railway and Municipal Board and such appointee shall be the Chairman of the Board of Commissioners, and shall, subject to the provisions of subsections 2 and 3 hold office until the 31st day of December, 1913.

(2) The Ontario Railway and Municipal Board shall have power to remove the said appointee for cause, upon the application of the council of either of the cities of Fort William and Port Arthur.

(3) In case of the death, resignation or removal from office of any such appointee The Ontario Railway and Municipal Board shall have power from time to time to appoint some other person to fill any vacancy so created.

Investment of $52,000, amount of award.

8. The City of Port Arthur may invest the $52,000 paid by the City of Fort William under the award of the Ontario Railway and Municipal Board in any of its local improvement debentures or in any of its Street Railway debentures payable within twenty years.

Sunday operation of cars.

9.—(1) Notwithstanding anything in *The Ontario Railway Act, 1906*, or in any other Act contained street cars may be run on Sunday in the cities of Fort William and Port Arthur after a majority of those voting of the electors entitled to vote at municipal elections in each of the said cities have voted in the affirmative in answer to the question "Are you in favour of operating street cars on Sunday?"

(2) If a majority of those voting vote in the affirmative in only one of the said cities, cars shall be operated on Sunday only in the city giving such majority vote.

(3) No person shall be required or permitted to work as a motorman or conductor for more than six days of ten hours each in any one week.

(4) For each day on which a breach of subsection 3 is committed the Board of Street Railway Commissioners shall incur a penalty not less than $20 and not exceeding $100, recoverable by any person who may sue for the same in any court of competent jurisdiction.

(5) Any judgment for a penalty shall be the first lien or charge upon the property, assets, rents and revenues of the said street railway.

Election of members of Board of Railway Commissioners.

10. Notwithstanding anything contained in Schedule "B" to the Act passed in the eighth year of His Majesty's reign, Chaptered 80, the two members representing the City of Port Arthur on the joint Board of Street Railway Commissioners, shall be elected by the freeholders at the same time and in the same manner as the mayor and shall possess the same qualifications and be subject to the same disqualifications as the mayor, but no commissioner shall be a member of the council of the said City.

SCHEDULE "A."

No. of By-law.	Nature of work under By-law.	When passed by Council.	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Interest.
			$ c.	$ c.	$ c.		
236	To raise the sum of $5,000 for school building and site in Ward 3	November 10, 1908	5,000 00	5,000 00		30 years	5 per cent.
247	To consolidate into one issue of $40,563.74 the broken amounts of certain 5 per cent. twenty year local improvement debentures	November 12, 1908	40,563 74	5,808 23	34,755 51	20 "	5 "
248	To raise the further sum of $12,000 to complete the Current River Water Power Development Works	November 23, 1908	12,000 00	12,000 00		30 "	5 "
249	To raise the sum of $27,000 for improving and strengthening Onion Lake Dam on Current River	November 23, 1908	27,000 00	27,000 00		30 "	5 "
276	To consolidate into one issue of $18,991.22 the broken amounts of certain 5 per cent. twenty year local improvement debentures	December 19, 1908	18,991 22	223 55	18,767 67	20 "	5 "
294	To raise the sum of $6,000 to pay for lands expropriated on Current River in connection with the Power Development of the city	January 15, 1909	6,000 00	6,000 00		30 "	5 "

SCHEDULE "A."—*Continued.*

No. of By-law.	Nature of work under By-law.	When passed by Council	Total cost of work.	Amount to be borne by city.	Amount to be borne by ratepayers.	Period of payment.	Interest.
			$ c.	$ c.	$ c.		
295	To authorize the issue of debentures for $10,000 for surveys and incidental expenses in connection with the Water Power at Dog Lake	January 15, 1909	10,000 00	10,000 00		30 "	5 "
296	To raise the further sum of $25,000 to complete the Current River Water Power Development Works	January 15, 1909	25,000 00	25,000 00		30 "	5 "
297	To grant an exemption from taxes except for school and frontage taxes for a period of four years to the Vigars-Shear Lumber Company	January 15, 1909					
298	To provide for the extension of the street railway along Arthur Street from Cumberland to Hill Street	January 15, 1909	9,500 00	9,500 00		30 "	5 "
299	To provide for payment by the municipality at large of half the cost of grading Wilson Street from Cumberland Street to Algoma Street	January 15, 1909	1,974 00	1,974 00		20 "	5 "
300	To provide for payment by the municipality at large of half the cost of grading Dufferin Street from Banning Street to Ross Street	January 15, 1909	6,712 00	6,712 00		20 "	5 "
301	To provide for the additional expense of double tracking the electric street railway for the City of Port Arthur from Current River to the southerly boundary of the said city	January 15, 1909	28,500 00	28,500 00		30 "	5 "

SCHEDULE "B."

THE CITY OF PORT ARTHUR.—BY-LAW No. 250.

A By-law to exempt from taxation (except school taxes) for the period of Twenty years from the ratification of this By-law, certain property within the limits of the City of Port Arthur, and to authorize a certain agreement with W. H. McWilliams and C. B. Piper for the construction of a grain elevator in the City of Port Arthur.

Whereas the said W. H. McWilliams and C. B. Piper have offered to build in the City of Port Arthur a grain elevator of a capacity of from one million to two million bushels, on condition of obtaining from the said city exemption from taxation of all kinds except school taxes, for a period of twenty years from the ratification of this by-law;

And whereas it is deemed expedient to grant the exemption from taxes except school taxes for the said period of twenty years, on the said elevator and all land used in connection therewith, and all docks, trackage, etc., together with all grain or products of grain that may be stored in the said elevator;

And whereas the said W. H. McWilliams and C. B. Piper, and the Corporation of the City of Port Arthur purpose to enter into the agreement hereto annexed, and it is expedient to make provision for the carrying out of the terms of same;

And whereas the amount of the whole rateable property of the said City of Port Arthur, according to the last revised assessment roll thereof, is $11,538,643.00, of which $4,549,320.00 is wholly exempt from taxation, and $500,000.00 is exempt, except for school taxes;

And whereas the existing debenture debt of the said City of Port Arthur amounts to the sum of $1,888,478.99, no principal and no interest being in arrears;

Therefore the Council of the Corporation of the City of Port Arthur enacts as follows:—

1. It shall and may be lawful for the mayor and clerk of the City of Port Arthur, and they are hereby authorized and empowered for and on behalf of the Corporation of the City of Port Arthur, and under the corporate seal of the said city, to execute the said agreement "A" attached hereto, and to carry out its terms and do all things necessary therefor.

2. The said elevator, and all land used in connection therewith, and all docks, trackage, together with all grain or products of grain that may be stored in the said elevator, and all plant actually used in connection with the said elevator, shall be exempt from all municipal taxation, except school taxes and local improvement taxes for a period of twenty years from the ratification of this by-law, provided, however, that such exemption shall cease upon the owners of the said elevator failing to carry out any of the terms and conditions on their part contained in the said agreement.

3. This bylaw shall come into force on the day of the final passing thereof.

4. The votes of such of the electors of the said City of Port Arthur as are entitled to vote thereon shall be taken on this by-law on Thursday, the 19th day of November, 1908, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon, at the following places, and by the deputy returning officers and poll clerks hereinafter mentioned, that is to say:

Polling Subdivision No. 1, Ward 1.—At the reading room in the municipal building on Arthur Street, by W. A. McCallum as deputy returning officer, and John Benn as poll clerk.

Polling Subdivision No. 2, Ward 1. At the old council chamber on Park Street, by F. S. Wheeler as deputy returning officer, and Arthur McCallum as poll clerk.

Polling Subdivision No. 1, Ward 2.—At Lot 12, east side of Cumberland Street, by Albert Bonin as deputy returning officer, and Albert Servais as poll clerk.

Polling Subdivision No. 2, Ward 2.—At Lots 1 and 2 of Lot 5, North John Street, at the southwest corner of Algoma and Cornwall Avenue, by R. E. Mitchell as deputy returning officer and Willie Anderson as poll clerk.

Polling Subdivision No. 1, Ward 3.—At Mr. A. L. Russell's office, on the north side of Cameron Street, by Fred Jones as deputy returning officer, and Walter Dennison as poll clerk.

Polling Subdivision No. 2, Ward 3.—At Lot 22, Block "C," McVicar Addition, by G. H. Rapsey as deputy returning officer, and F. Thynne as poll clerk.

5. On the 14th day of November, 1908, at his office in the council chamber, on Arthur Street, in the City of Port Arthur, at ten o'clock in the forenoon, the mayor shall in writing, signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this Corporation, and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

6. The 20th day of November, 1908, at the council chamber aforesaid, at twelve o'clock noon, is hereby appointed for the summing up by the clerk of this Corporation of the number of votes given for and against this by-law respectively.

Council Chamber, Port Arthur, 23rd day of November, 1908.

J. J. CARRICK,
Mayor.

J. McTEIGUE,
Clerk.

(Seal).

This Agreement, made this Second day of November, 1908, between the City of Port Arthur, Party of the First Part, and William Henry McWilliams and Clarence Brett Piper, both of the City of Winnipeg, Grain Merchants, Parties of the Second Part.

The parties hereto mutually agree as follows:—

(1) The parties of the second part are to construct upon the land described in the schedule hereto, or in the vicinity thereof, a terminal grain elevator of a capacity of from one million to two million bushels, and are to expend in such construction from three hundred thousand dollars ($300,000) to five hundred thousand dollars ($500,000).

(2) In consideration of the said agreement on the part of the parties of the first part, the said elevator, and all land used in connection therewith, and all docks, trackage, etc., together with all grain or products of grain that may be stored in the said elevator, are to be exempt from taxation of all kinds, except school taxes, for a period of twenty years from the ratification of the by-law hereinafter referred to, and the city are to take all necessary steps for the submission of a by-law granting the said exemption to the ratepayers and for the ratification of such by-law by the Legislature of Ontario.

(3) The work is to commence on the said elevator as soon as the said by-law has been passed by the ratepayers. The said elevator to be completed and ready for operation within eighteen months of the ratification of the said by-law as aforesaid.

(4) In case the parties of the second part shall cause to be incorporated under *The Dominion Company's Act*, a company to be known as the Thunder Bay Elevator Company, Limited, the said

parties may transfer all their interests under this agreement to such Company, and upon such Company entering into a contract with the city assuming the agreement made herein by the parties of the second part, such parties shall thereupon become relieved from all liability under this agreement.

(Sgd.) W. H. McWilliams.
(Sgd.) C. B. Piper.

Witness:
(Sgd.) C. P. Wilson.

Corporation of the City of Port Arthur.
(Sgd.) J. J. Carrick,
Mayor.

I hereby certify the preceding to be a true and correct copy of agreement.

J. McTeigue,
Clerk.

No. 132.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the City of Port Arthur.

First Reading, 18th March, 1909.

(Reprinted as amended by The Private Bills Committee).

Mr. CARRICK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 133 1909

BILL.

An Act respecting the City of Brantford.

Preamble.

WHEREAS the Municipal Council of the City of Brantford desires to remove the Public Market in the City of Brantford from its present site and to acquire more commodious and suitable premises for market purposes, and to use the present site for government or municipal buildings, or both; and whereas the present Market Square was granted by the Crown to the Municipal Council of the Corporation of the City of Brantford; and whereas the said Municipal Council of the City of Brantford has passed By-law Number 798, relating to sanitary sewers, and By-law Number 1,013, respecting Storm Sewers, built as local improvements, and desires that same be confirmed; and whereas the said Council has by its petition prayed for power to effect said purposes; and whereas it is desirable to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to move public market and erect municipal buildings.

1. It shall be lawful for the Municipal Council of the Corporation of the City of Brantford to remove the Public Market from the present Market Square, known as the West Market Square, bounded by Colborne, George, Dalhousie and Market Streets, in the said City of Brantford, and to erect municipal buildings thereon.

Authority to sell market square to Dominion Government.

2. It shall be lawful for the Municipal Council of the Corporation of the City of Brantford, to sell the said Market Square to the Government of the Dominion of Canada for the erection thereon of government buildings.

Authority to sell part of square to Dominion Government and to erect municipal buildings.

3. It shall be lawful for the Municipal Council of the Corporation of the City of Brantford to sell a portion of said Market Square to the Government of the Dominion of Canada, for the erection of government buildings thereon, reserving the remainder thereof for the erection of

Municipal buildings for the public uses of the municipality and to enter into an agreement or agreements with the Government of the Dominion of Canada for the erection of said government buildings, either jointly with or separately from said municipal buildings, and for the joint or separate maintenance thereof.

Issue of debentures.

4. It shall be lawful for the Municipal Council of the Corporation of the City of Brantford to raise such sums of money as shall be necessary for the said purposes, by the issue of debentures upon the credit of the municipality, repayable within a period of not exceeding forty years.

Assent of electors required.

5. None of the powers conferred by any of the preceding clauses of this Act shall be exercised by the said Municipal Council, nor shall any moneys therefor be raised upon the credit of the Municipality until a by-law or by-laws therefor shall have been submitted to the electors, nor until such by-law or by-laws shall have received the assent of the majority of the electors qualified to vote upon money by-laws, in accordance with the provisions of *The Consolidated Municipal Act, 1903.*

By-laws Nos. 798 and 1013 confirmed.

6. By-laws Numbers 798 and 1,013 of the said Corporation of the City of Brantford, set out in Schedules "A" and "B" hereto respectively, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

Power to pass bonus by-law with three-fourth vote of council.

7. Notwithstanding anything contained in *The Consolidated Municipal Act, 1903,* or in *The Assessment Act,* or any amendments to the said Acts, the Municipal Council of the City of Brantford may pass by-laws by two-thirds vote of all the members thereof, for granting aid by way of bonus, for the promotion of manufactures within the limits of the Municipality, and to such person or persons or bodies corporate and in respect to such branch of industry as the Council may determine upon.

Limit of aid.

8. Such aid by way of bonus shall be limited to the following:—

(*a*) Free light, water and sewer connections, or any of them, for a period not exceeding ten years;

(*b*) The exemption or partial exemption from taxation (except for school purposes and local improvement rates) or the taxation and assessment at such sum as shall be agreed upon, not, however, in any case for a period exceeding ten years;

(*c*) A grant or lease of land for manufacturing sites,

9. The said Council may finally pass any by-law for the purpose aforesaid, without obtaining the approval of the duly qualified ratepayers of the said city thereto. Assent of majority of ratepayers voting when required.

10. Such aid shall be given only, provided that an agreement containing terms satisfactory to the said Council in respect of the establishment of said industry and expenditure upon a plant and buildings therefor, shall be executed by the said person or body corporate, including, if required by the said Municipality, an agreement that such person or body corporate shall locate permanently in the said Municipality, and the Municipality may take and receive security for the compliance by such person or body corporate, of the terms and conditions of any such agreement. Conditions governing aid.

SCHEDULE "A."

BY-LAW No. 798.

Of the Municipal Corporation of the City of Brantford, to amend By-law No. 433, relating to sewers.

Whereas, it is expedient to provide an equitable mode of assessing corner lots for sewers constructed as local improvements; and

Whereas, in order to make such equitable assessment it is necessary to amend By-law No. 433.

Be it enacted therefore, by the Municipal Council of the Corporation of the City of Brantford, and it is hereby enacted, as follows:—

1. That the following clause be added as subsection "a" of section 8 of By-law No. 433;

(*a*) Where any property abuts upon two or more streets, the same shall be deemed to front on all of said streets.

2. That clauses "a" and "b" of section 12 of By-law No. 433 are hereby repealed, and the following are enacted as clauses "a" and "b" of said section 12:—

(*a*) In every case in which a sewer is constructed upon two sides of a corner lot, such corner lot shall be assessed for its total frontage on the street upon which its greatest frontage abuts.

(*b*) The words "corner lot" where used in this By-law shall be deemed to mean and include only the subdivision or tenement which includes the corner.

Passed on this 25th day of April, 1904. (Seal.)

M. K. HALLORAN,
Mayor.

H. F. LEONARD,
City Clerk.

SCHEDULE "B."

BY-LAW No. 1013.

Of the Corporation of the City of Brantford, Respecting Assessments for Storm Sewers built as Local Improvements.

Whereas, it is desirable to provide a uniform tax through the City of Brantford for the construction of Storm Sewers, and to provide an equitable mode of assessing corner lots.

Therefore, the Municipal Council of the Corporation of the City of Brantford enacts as follows:—

1. From and after the passing of this By-law, it shall and may be lawful for the Board of Works, under the sanction and by the order of the Municipal Council of the City of Brantford to construct storm sewers on such streets and lanes or highways of the City of Brantford, and through private property in said city, as they may deem necessary for drainage purposes. Provided that no storm sewer shall be constructed except upon the affirmative vote of two-thirds of the members of the council present at a meeting at which the same is considered, unless said sewer is petitioned for or recommended under the initiative plan, according to the provisions of the Consolidated Municipal Act, and unless in the latter case, no sufficient petition is presented against the construction of the same.

2. All private sewers to be constructed to connect with the said storm sewers, shall be of such arrangement, form, material and construction, and shall connect with the said storm sewers in such a manner and at such parts thereof, and under such rules and regulations as the council may from time to time prescribe, and no person, firm or corporation shall make any attempt to uncover any storm sewer or house sewer or make any connection therewith, unless by permission of the city engineer.

3. No person, firm or corporation shall injure, break or remove any portion of the storm sewer system or its appurtenances, or throw or deposit or cause to be thrown or deposited in any storm sewer opening or receptacle connected with the storm sewer system, any matter or thing except storm water.

4. The City Engineer shall have the power to stop and prevent discharging into the storm sewer system any private sewer or drain into which substances are discharged which are liable to injure the sewers or obstruct the flow of the same.

5. Every owner of property, which is drained into any of the main storm sewers and every owner of property in front of which a storm sewer is constructed as a local improvement, shall pay a uniform tax of one dollar and two cents ($1.02) per foot frontage on each assessable foot of the frontage of his property. Such amount shall be paid in twenty equal annual instalments of eight cents (.08c.) per foot frontage, being a sum sufficient to pay both interest and sinking fund for that amount, and the said instalment shall be payable at the same time as ordinary taxes are payable, but the City Treasurer may commute the said payments for a payment in cash, as in the case of other local improvements.

6. Any person or persons or corporation desirous of connecting his or their property with any storm sewer for which the property has not been assessed, shall be assessed the same frontage tax as if the sewer were constructed in front of said property, and payment shall be made at the same time and in the same manner and for a like number of years, as the payments for property in front of which the storm sewer is constructed.

7. Any property thus assessed for the privilege of connecting with any sewer, shall be exempt from any assessment for any sewer constructed on the street in front of said property.

8. The payments aforesaid shall be put on the collector's roll and collected with the said city taxes against said respective properties.

9. That corner lots shall be assessed for storm sewers constructed as local improvements in the following manner:—

(*a*) Where any property abuts upon two or more streets, the same shall be deemed to front on all of said streets.

(*b*) In every case in which a storm sewer is constructed upon two sides of a corner lot, such corner shall be assessed for its total frontage upon the street upon which its greatest frontage abuts.

(*c*) The words "corner lot" where used in this By-law shall be deemed to mean and include only the subdivision or tenement which includes the corner.

(*d*) If a corner lot is a triangular or irregular shaped piece of land or otherwise so situated as to make portions of the same unfit for building purposes, such allowance shall be made, having due regard to the situation, value and superficial area of such lot as compared with the adjoining lots or pieces of land, as the City Engineer may deem just and equitable.

10. That the cost of any storm sewer in excess of the total amount assessed therefor in accordance with clause five, shall be borne by the city.

11. Storm water connecting sewers shall be constructed by the city between the street sewers and the property line, upon application being made to the City Engineer for such connecting sewers by the owner of any lot assessed for a sewer, provided that such application is made at the time the street sewer is being constructed, or before a permanent pavement is placed on said street.

Passed this first day of March, 1909.

(Seal.)

(Sgd.) W. B. Wood,
Mayor.

(Sgd.) H. F. Leonard,
City Clerk.

No. 133

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the City of Brantford.

First Reading, March, 1909

(*Private Bill.*)

Mr. BREWSTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 133 **BILL.** 1909

An Act respecting the City of Brantford.

Preamble. WHEREAS the Municipal Council of the City of Brantford has by petition represented that it has passed By-law Number 798, relating to sanitary sewers, and By-law Number 1,013, respecting Storm Sewers, built as local improvements, and desires that same be confirmed; and whereas it is *expedient* to grant the prayer of said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws Nos. 798 and 1013 confirmed. 1. By-laws Numbers 798 and 1,013 of the said Corporation of the City of Brantford, set out in Schedules "A" and "B" hereto respectively, and all debentures issued or to be issued thereunder, and all assessments made or to be made for the payment thereof, are hereby validated and confirmed.

SCHEDULE "A."

BY-LAW No. 798.

Of the Municipal Corporation of the City of Brantford, to amend By-law No. 433, relating to sewers.

Whereas, it is expedient to provide an equitable mode of assessing corner lots for sewers constructed as local improvements; and

Whereas, in order to make such equitable assessment it is necessary to amend By-law No. 433.

Be it enacted therefore, by the Municipal Council of the Corporation of the City of Brantford, and it is hereby enacted, as follows:—

1. That the following clause be added as subsection "a" of section 8 of By-law No. 433;

(*a*) Where any property abuts upon two or more streets, the same shall be deemed to front on all of said streets.

2. That clauses "a" and "b" of section 12 of By-law No. 433 are hereby repealed, and the following are enacted as clauses "a" and "b" of said section 12:—

(*a*) In every case in which a sewer is constructed upon two sides of a corner lot, such corner lot shall be assessed for its total frontage on the street upon which its greatest frontage abuts.

(*b*) The words "corner lot" where used in this By-law shall be deemed to mean and include only the subdivision or tenement which includes the corner.

Passed on this 25th day of April, 1904. (Seal.)

M. K. HALLORAN,
Mayor.

H. F. LEONARD,
City Clerk.

SCHEDULE "B."

BY-LAW No. 1013.

Of the Corporation of the City of Brantford, Respecting Assessments for Storm Sewers built as Local Improvements.

Whereas, it is desirable to provide a uniform tax through the City of Brantford for the construction of Storm Sewers, and to provide an equitable mode of assessing corner lots.

Therefore, the Municipal Council of the Corporation of the City of Brantford enacts as follows:—

1. From and after the passing of this By-law, it shall and may be lawful for the Board of Works, under the sanction and by the order of the Municipal Council of the City of Brantford to construct storm sewers on such streets and lanes or highways of the City of Brantford, and through private property in said city, as they may deem necessary for drainage purposes. Provided that no storm sewer shall be constructed except upon the affirmative vote of two-thirds of the members of the council present at a meeting at which the same is considered, unless said sewer is petitioned for or recommended under the initiative plan, according to the provisions of the Consolidated Municipal Act, and unless in the latter case, no sufficient petition is presented against the construction of the same.

2. All private sewers to be constructed to connect with the said storm sewers, shall be of such arrangement, form, material and construction, and shall connect with the said storm sewers in such a manner and at such parts thereof, and under such rules and regulations as the council may from time to time prescribe, and no person, firm or corporation shall make any attempt to uncover any storm sewer or house sewer or make any connection therewith, unless by permission of the city engineer.

3. No person, firm or corporation shall injure, break or remove any portion of the storm sewer system or its appurtenances, or throw or deposit or cause to be thrown or deposited in any storm sewer opening or receptacle connected with the storm sewer system, any matter or thing except storm water.

4. The City Engineer shall have the power to stop and prevent discharging into the storm sewer system any private sewer or drain into which substances are discharged which are liable to injure the sewers or obstruct the flow of the same.

5. Every owner of property, which is drained into any of the main storm sewers and every owner of property in front of which a storm sewer is constructed as a local improvement, shall pay a uniform tax of one dollar and two cents ($1.02) per foot frontage on each assessable foot of the frontage of his property. Such amount shall be paid in twenty equal annual instalments of eight cents (.08c.) per foot frontage, being a sum sufficient to pay both interest and sinking fund for that amount, and the said instalment

shall be payable at the same time as ordinary taxes are payable, but the City Treasurer may commute the said payments for a payment in cash, as in the case of other local improvements.

6. Any person or persons or corporation desirous of connecting his or their property with any storm sewer for which the property has not been assessed, shall be assessed the same frontage tax as if the sewer were constructed in front of said property, and payment shall be made at the same time and in the same manner and for a like number of years, as the payments for property in front of which the storm sewer is constructed.

7. Any property thus assessed for the privilege of connecting with any sewer, shall be exempt from any assessment for any sewer constructed on the street in front of said property.

8. The payments aforesaid shall be put on the collector's roll and collected with the said city taxes against said respective properties.

9. That corner lots shall be assessed for storm sewers constructed as local improvements in the following manner:—

(*a*) Where any property abuts upon two or more streets, the same shall be deemed to front on all of said streets.

(*b*) In every case in which a storm sewer is constructed upon two sides of a corner lot, such corner shall be assessed for its total frontage upon the street upon which its greatest frontage abuts.

(*c*) The words "corner lot" where used in this By-law shall be deemed to mean and include only the subdivision or tenement which includes the corner.

(*d*) If a corner lot is a triangular or irregular shaped piece of land or otherwise so situated as to make portions of the same unfit for building purposes, such allowance shall be made, having due regard to the situation, value and superficial area of such lot as compared with the adjoining lots or pieces of land, as the City Engineer may deem just and equitable.

10. That the cost of any storm sewer in excess of the total amount assessed therefor in accordance with clause five, shall be borne by the city.

11. Storm water connecting sewers shall be constructed by the city between the street sewers and the property line, upon application being made to the City Engineer for such connecting sewers by the owner of any lot assessed for a sewer, provided that such application is made at the time the street sewer is being constructed, or before a permanent pavement is placed on said street.

Passed this first day of March, 1909.

(Seal.)

(Sgd.) W. B. Wood,
Mayor.

(Sgd.) H. F. Leonard,
City Clerk.

No. 133

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the City of Brantford.

First Reading, 16th March, 1909

(*Reprinted as amended by The Private Bills Committee*).

Mr. BREWSTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 134 **BILL.** 1909

An Act to amend The Consolidated Municipal Act, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 584 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 584, amended.

(*g*) For granting permission to erect, and regulating the erection of, telephone, telegraph and electric light poles and to stretch wires on the said roads upon such terms and conditions as such council shall deem advisable. By-laws for granting permission to erect telephone lines, etc.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

First Reading, 5th March, 1909.

Mr. CRAIG.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 135 **BILL.** 1909

An Act respecting the Acquisition of Land for School Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *"The School Sites Act."* (*New.*) Short title.

2. In this Act Interpretation.

(*a*) "Board" shall mean and include the Board of Trustees of a Public School section, the Board of Trustees of a Union School section, a Township Board of School Trustees, the Board of Public School Trustees of a city, town or village, a Continuation School Board, a Board of Education, a High School Board and a Technical School Board. Board.

(*b*) "County Judge" and "Judge" shall mean the Senior Judge of the County or District Court of the County or District within which the Board has jurisdiction or, if he is a member of the High School Board or is unable to act, or is disqualified, shall mean the Junior Judge of such County or District Court, and, if the Junior Judge is also a member of the Board or is unable to act, or is disqualified, shall mean the Judge of the County or District Court of the adjoining County or District which has the largest population according to the last Dominion Census. "County Judge." "Judge."

(*c*) "Owner" shall include a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. (*New.*) "Owner."

School site.

(*d*) "School site" shall mean the land necessary for a school house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and play grounds connected therewith, or other land required for school purposes, or for the offices of a Board.

Powers and duties to be subject to regulations.

3. The powers and duties conferred and imposed upon a Board by this Act shall be subject to the Regulations made under *The Department of Education Act.* (*New.*)

Restrictions as to townships.

4.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure ground or dwelling house unless the County Judge, upon the application of the Board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained.

Compensation to owner of orchard, etc.

(2) Where the Judge so certifies the Board shall pay to the owner of the orchard, garden, pleasure ground or dwelling house such sum as the Judge, on the application of the owner, shall determine to be fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the Judge. (*See* 8 Edw. VII., c. 33, s. 53; 1 Edw. VII., c. 39, s. 37, (2), s. 38; 6 Edw. VII., c. 53, s. 28.)

Board may purchase or expropriate.

5. Subject to the provisions of section 4 and to the provisions of *The Public Schools Act* as to the selection of a site by the Board of a rural school section, every Board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the Board declaring that the same is required for a school site or for the enlargement of a school site.

Who may sell and convey to Board.

6. Every corporation, tenant in tail or for life, guardian, executor, administrator, and every trustee, (not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those, he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land, may contract for, sell and convey all or part thereof or any interest therein to a Board for a school site or for an enlargement of, or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes. (*See* 1 Edw. VII., c. 40, s. 25.)

Voluntary submission to arbitration.

7. Where the owner and the Board are unable to agree on the compensation to be paid to the owner they may in writing agree that the same shall be determined by one or more arbitrators, and the provisions of *The Arbitration Act* shall apply to the submission and to the arbitration and award thereunder. (*New.*)

Where owner refuses to sell or agree o arbitration.

8. Where the owner refuses to sell or demands a price deemed unreasonable by the Board, and no agreement is made for arbitration under the next preceding section, the Board may appoint an arbitrator and give notice in writing of such appointment to the owner, and if the owner does not within ten days thereafter file with the Secretary or Secretary-Treasurer of the Board a notice in writing naming an arbitrator to act for him, the County Judge on the application of the Board shall name an arbitrator on behalf of the owner, and the arbitrators so appointed shall appoint a third arbitrator, or, if they are unable to agree, the County Judge, on the application of either party, may appoint such third arbitrator.

Judge may order notice to be published and mailed.

9.—(1) On filing with the County Judge the certificate of an Ontario Land Surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the Judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district, and may order that notice be also sent to any person by mail or served upon him in such manner as the Judge may direct.

Contents of notice.

(2) The notice shall contain a short description of the land and a statement of the readiness of the Board to pay the sum so certified, shall give the name of the person to be appointed as the arbitrator of the Board, and shall state the time within which the offer is to be accepted or an arbitrator appointed by the owner, and such other particulars as the Judge may direct.

Appointment of sole arbitrator.

(3) If within the time stated in the notice the owner does not notify the Board of his acceptance of the sum offered or appoint an arbitrator, the Judge may on the application of the Board appoint some competent person to be the sole arbitrator. (*See* 1 Edw. VII., c. 40, ss. 26-28.)

(4) An Ontario Land Surveyor who has given the certificate shall not be named as or appointed an arbitrator.

Arbitrators may determine claims of encumbrancer, etc.

10. The arbitrators appointed under this Act or a majority of them or the sole arbitrator may hear and determine all claims or rights of encumbrances, lessees, tenants, occu-

pants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. 1 Edw. VII., c. 39, s. 35 (4).

Damages caused by severance.

11. Where part only of the lot or parcel of land of the owner is required the arbitrators shall include in the compensation the amount which will in their opinion compensate the owner for any damage directly resulting from severance. *(New.)*

Desistment.

12.—(1) A notice of intention to acquire land may be desisted from by the Board at any time within 21 days after the publication of the award by giving written notice to the arbitrators, and the Board in that case shall pay the whole costs of the arbitration.

Right not to be exercised more than once.

(2) The right of desistment shall not be exercised more than once. *(See* 7 Edw. VII., c. 51, s. 16.)

Costs of arbitration.

13. The costs of the arbitration and award shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award any costs to be paid as between solicitor and client. 6 Edw. VII., c. 53, s. 38 (16).

Time within which award to be made.

14. The arbitrators shall make their award within three months after entering on the reference or after being called on to act by notice in writing from the Board or the owner or any other person interested, or on or before any later day to which the arbitrators or a majority of them by writing signed by them may from time to time enlarge the time for making the award. 6 Edw. VII., c. 53, s. 38 (12).

Form of award.

15. The award shall be in writing and if required by the Board, shall be in duplicate, and shall contain a description of the land, sufficient for the purpose of registration, and may be registered in the proper registry office on the

Registration.

affidavit of the Secretary of the Board verifying the same and showing that all moneys awarded by the arbitrators to be paid by the Board have been duly paid as required or permitted by this Act. 6 Edw. VII., c. 53, s. 38 (15), *part.*

Award to be title.

16. Upon such registration the land shall be vested in the Board, and the award shall be a good title thereto against all persons whomsoever. 6 Edw. VII., c. 53, s. 38 (15), *part.*

Compensation to be paid within thirty days.

17.—(1) Every sum awarded to be paid as compensation shall be paid within thirty days after the publication of the award. *(New.)*

(2) Where the person entitled thereto is absent or where, for any other reason, payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the Board deems it advisable, the Board may pay the sum awarded or any part thereof into the High Court with six months' interest thereon. (*See* 6 Edw. VII., c. 53, s. 38 (13), *part*.) Payment into court.

18. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the Board, be converted into a claim to the compensation, or to a like proportion thereof and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. (*See* 1 Edw. VII., c. 40, s. 29.) Compensation awarded to stand in the stead of land stakes.

19. An award shall not be deemed invalid or be set aside because of failure to comply with any of the provisions of this Act, unless in the opinion of the tribunal before which the award is called in question the same will cause substantial injustice to some person affected thereby. (*See* 6 Edw. VII., c. 53, s. 29, *part*.) Award not invalidated by informality.

20.—(1) Any question touching the validity of proceedings taken, or an award made under this Act, or, in the case of arbitrations other than those provided for in section 7, as to the compensation awarded, shall be raised, heard and determined upon a summary application by way of appeal to the County Judge and not otherwise. Questions as to validity of proceedings, how to be determined.

(2) No such appeal shall lie unless one of the parties has required the evidence to be taken down in writing in which case it shall be the duty of the arbitrators so to do.

(3) The decision of the Judge shall be final, unless special leave to appeal therefrom is given by a Judge of the High Court, and if such leave is given, an appeal shall lie to a Divisional Court of the High Court and the decision of the Divisional Court shall be final. (*See* 6 Edw. VII., c. 53. s. 29, *part*.) Appeal to High Court.

21. Except as herein otherwise provided, the provisions of *The Arbitration Act* as to procedure upon a reference to arbitration, including the summoning and calling of witnesses, the hearing of evidence and the production of books, papers, documents and things, and the powers and duties of arbitrators, shall apply to every arbitration under the provisions of this Act. (*New*.) Application of Arbitration Act.

No. 135

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Acquisition of Land for School Purposes.

First Reading, 5th March, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 135 **BILL.** 1909

An Act respecting the Acquisition of Land for School Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *"The School Sites Act."* (*New.*) Short title.

2. In this Act Interpretation.

(*a*) "Board" shall mean and include the Board of Trustees of a Public School section, the Board of Trustees of a Union School section, a Township Board of School Trustees, the Board of Public School Trustees of a city, town or village, a Continuation School Board, a Board of Education, a High School Board and a Technical School Board. "Board."

(*b*) "County Judge" and "Judge" shall mean the Senior Judge of the County or District Court of the County or District within which the Board has jurisdiction or, if he is a member of the High School Board or is unable to act, or is disqualified, shall mean the Junior Judge of such County or District Court, and, if the Junior Judge is also a member of the Board or is unable to act, or is disqualified, shall mean the Judge of the County or District Court of the adjoining County or District which has the largest population according to the last Dominion Census. "County Judge." "Judge."

(*c*) "Owner" shall include a mortgagee, lessee, tenant and occupant and any person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested. (*New.*) "Owner."

School site.

(*d*) "School site" shall mean the land necessary for a school house, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices and play grounds connected therewith, or other land required for school purposes, or for the offices of a Board.

Powers and duties to be subject to regulations.

3. The powers and duties conferred and imposed upon a Board by this Act shall be subject to the Regulations made under *The Department of Education Act*. (*New.*)

Restrictions as to townships.

4.—(1) In a township a school site shall not be selected nor shall an existing school site be enlarged so as to include land which comprises or forms part of or is situate within one hundred yards of an orchard, garden, pleasure-ground or dwelling-house without the consent of the owner of such orchard, garden, pleasure ground or dwelling house unless the County Judge, upon the application of the Board and after notice to all persons interested, certifies in writing that other land suitable for the required purpose cannot be obtained.

Compensation to owner of orchard, etc.

(2) Where the Judge so certifies the Board shall pay to the owner of the orchard, garden, pleasure ground or dwelling house such sum as the Judge, on the application of the owner, shall determine to be fair compensation for having the school site located within such distance, and the costs of the application shall be in the discretion of the Judge. (*See* 8 Edw. VII., c. 33, s. 53; 1 Edw. VII., c. 39, s. 37, (2), s. 38; 6 Edw. VII., c. 53, s. 28.)

Board may purchase or expropriate.

5. Subject to the provisions of section 4 and to the provisions of *The Public Schools Act* as to the selection of a site by the Board of a rural school section, every Board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the Board declaring that the same is required for a school site or for the enlargement of a school site.

Who may sell and convey to Board.

6.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, and every trustee, (not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those, he or they may represent, whether married women, infants, unborn issue, lunatics, or idiots), or other person, seized, possessed of or interested in any land, may contract for, sell and convey all or part thereof or any interest therein to a Board for a school site or for an enlargement of, or addition to a school site; and any contract, agreement, sale, conveyance or assurance so made shall be valid and effectual to all intents and purposes. (*See* 1 Edw. VII., c. 40, s. 25.)

☛(2) Where there is no person who under the provisions of subsection 1 of this section may contract, sell or con-

vey, the High Court may on the application of the Board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 of this section and in any proceedings which may be taken under this Act.

Voluntary submission to arbitration.

7. Where the owner and the Board are unable to agree on the compensation to be paid to the owner they may in writing agree that the same shall be determined by one or more arbitrators, and the provisions of *The Arbitration Act* shall apply to the submission and to the arbitration and award thereunder. (*New.*)

Where owner refuses to sell or agree o arbitration.

8. Where the owner refuses to sell or demands a price deemed unreasonable by the Board, or where no agreement is made for arbitration under the next preceding section, the Board may appoint an arbitrator and give notice in writing of such appointment to the owner, and if the owner does not within ten days thereafter file with the Secretary or Secretary-Treasurer of the Board a notice in writing naming an arbitrator to act for him, the County Judge on the application of the Board shall name an arbitrator on behalf of the owner, and the arbitrators so appointed shall appoint a third arbitrator, or, if they are unable to agree, the County Judge, on the application of either party, may appoint such third arbitrator.

Judge may order notice to be published and mailed.

9.—(1) On filing with the County Judge the certificate of an Ontario Land Surveyor that he is not interested in the matter, that he knows the land, describing it, and that some certain sum named in the certificate is, in his opinion, a fair compensation for the land, the Judge, if satisfied by affidavit or other evidence, that diligent enquiry has been made and that the owner is unknown or cannot be found, may order that a notice be inserted for such time as he may deem proper in some newspaper published in the county or district, and may order that notice be also sent to any person by mail or served upon him in such manner as the Judge may direct.

Contents of notice.

(2) The notice shall contain a short description of the land and a statement of the readiness of the Board to pay the sum so certified, shall give the name of the person to be appointed as the arbitrator of the Board, and shall state the time within which the offer is to be accepted or an arbitrator appointed by the owner, and such other particulars as the Judge may direct.

Appointment of sole arbitrator.

(3) If within the time stated in the notice the owner does not notify the Board of his acceptance of the sum offered or appoint an arbitrator, the Judge may on the application of the Board appoint some competent person to be the sole arbitrator. (*See* 1 Edw. VII., c. 40, ss. 26-28.)

(4) An Ontario Land Surveyor who has given the certificate shall not be named as or appointed an arbitrator.

Arbitrators may determine claims of encumbrancer etc.

10. The arbitrators appointed under this Act or a majority of them or the sole arbitrator may hear and determine all claims or rights of encumbrancers, lessees, tenants, occupants or other persons as well as those of the owner in respect to the land, provided that in such case the claimant or other person has first received ten clear days' notice of the intention to determine his claim or right. 1 Edw. VII., c. 39, s. 35 (4).

Damages caused by severance

11. Where part only of the lot or parcel of land of the owner is required the arbitrators shall include in the compensation the amount which will in their opinion compensate the owner for any damage directly resulting from severance. (*New.*)

Desistment.

12.—(1) A notice of intention to acquire land may be desisted from by the Board at any time within 21 days after the publication of the award by giving written notice to the arbitrators, and the Board in that case shall pay the whole costs of the arbitration.

Right not to be exercised more than once.

(2) The right of desistment shall not be exercised more than once. (*See* 7 Edw. VII., c. 51, s. 16.)

Costs of arbitration.

13. The costs of the arbitration and award shall be in the discretion of the arbitrators, who may direct to and by whom and in what manner such costs or any part thereof shall be paid, and they may award any costs to be paid as between solicitor and client. 6 Edw. VII., c. 53, s. 38 (16).

Time within which award to be made.

14. The arbitrators shall make their award within three months after entering on the reference or after being called on to act by notice in writing from the Board or the owner or any other person interested, or on or before any later day to which the arbitrators or a majority of them by writing signed by them may from time to time enlarge the time for making the award. 6 Edw. VII., c. 53, s. 38 (12).

Form of award.

15. The award shall be in writing and if required by the Board, shall be in duplicate, and shall contain a description of the land, sufficient for the purpose of registration, and may be registered in the proper registry office on the

Registration.

affidavit of the Secretary of the Board verifying the same and showing that all moneys awarded by the arbitrators to be paid by the Board have been duly paid as required or permitted by this Act. 6 Edw. VII., c. 53, s. 38 (15), *part*.

Award to be title.

16. Upon such registration the land shall be vested in the Board, and the award shall be a good title thereto against all persons whomsoever. 6 Edw. VII., c. 53, s. 38 (15), *part*.

Compensation to be paid within thirty days.

17.—(1) Every sum awarded to be paid as compensation shall be paid within thirty days after the publication of the award. (*New.*)

(2) Where the person entitled thereto is absent or where, for any other reason, payment of such sum cannot be made pursuant to the award, or if the title to the land or any interest therein or the right to any part of the compensation is in doubt, or if for any other reason the Board deems it advisable, the Board may pay the sum awarded or any part thereof into the High Court with six months' interest thereon. (*See* 6 Edw. VII., c. 53, s. 38 (13), *part.*) Payment into court.

18. The compensation for any land which is taken without the consent of the owner shall stand in the stead of the land; and any claim to or incumbrance upon such land, or any part thereof, shall, as against the Board, be converted into a claim to the compensation, or to a like proportion thereof and it shall be responsible accordingly whenever it has paid the compensation, or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. (*See* 1 Edw. VII., c. 40, s. 29.) Compensation awarded to stand in the stead of land taken.

19. An award shall not be deemed invalid or be set aside because of failure to comply with any of the provisions of this Act, unless in the opinion of the tribunal before which the award is called in question the same will cause substantial injustice to some person affected thereby. (*See* 6 Edw. VII., c. 53, s. 29, *part.*) Award not invalidated by informality.

20.—(1) Any question touching the validity of proceedings taken, or an award made under this Act, or, in the case of arbitrations other than those provided for in section 7, as to the compensation awarded, shall be raised, heard and determined upon a summary application by way of appeal to the County Judge and not otherwise. Questions as to validity of proceedings, how to be determined

(2) No such appeal shall lie unless one of the parties has required the evidence to be taken down in writing in which case it shall be the duty of the arbitrators so to do.

(3) The decision of the Judge shall be final, unless special leave to appeal therefrom is given by a Judge of the High Court, and if such leave is given, an appeal shall lie to a Divisional Court of the High Court and the decision of the Divisional Court shall be final. (*See* 6 Edw. VII., c. 53, s. 29, *part.*) Appeal to High Court.

21. Except as herein otherwise provided, the provisions of *The Arbitration Act* as to procedure upon a reference to arbitration, including the summoning and calling of witnesses, the hearing of evidence and the production of books, papers, documents and things, and the powers and duties of arbitrators, shall apply to every arbitration under the provisions of this Act. (*New.*) Application of Arbitration Act.

No. 135

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Acquisition of Land for School Purposes.

First Reading, 5th March, 1909.
Second Reading, 16th March, 1909.

(*Reprinted as amended by Committee of the Whole House*).

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 136 **BILL.** 1909.

An Act respecting Boards of Education.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Boards of Education Act.*" Short title.

2. In this Act— Interpretation.

(*a*) "High School" shall include a Collegiate Institute. "High School."

(*b*) "High school district" and "district" shall mean the territory over which a High School Board has jurisdiction. "High School District."

(*c*) "Municipal Board" and "Municipal Board of Education" shall mean a board of education organized pursuant to a resolution passed by the council of any city, town, or village under the provisions of this Act or of the Act passed in the third year of His Majesty's reign, chaptered 31, or of the Act passed in the fourth year of His Majesty's reign, chaptered 33. "Municipal Board" or "Municipal Board of Education."

(*d*) "Secretary" and "Treasurer" shall include a secretary-treasurer. "Secretary" or "Treasurer."

(*e*) "Union Board" and "Union Board of Education" shall mean a board of education formed by the union of a high school board with one or more public school boards, pursuant to resolutions passed by the respective boards forming such union under the provisions of this Act or *The Public Schools Act* or *The High Schools Act* in force at the time such union was formed. "Union Board or "Union Board of Education,"

Boards of Education formed under 3 Edw. VII., c. 31, and 4 Edw. VII., c. 33, continued.

3. Every board of education heretofore organized under the authority of the Act passed in the third year of His Majesty's reign, chaptered 31, or of the Act passed in the fourth year of His Majesty's reign, chaptered 33, is hereby continued, and shall continue to possess all the property, powers, and rights, and perform all the duties and be subject to all the obligations which it possessed, performed and was subject at the time of the passing of this Act, and shall hereafter be subject to the provisions thereof relating to municipal boards.

Resolution to form Municipal Board of Education.

4.—(1) When a high school district does not extend be ond the limits of the municipality, the council of a city, town or village in which one or more high schools are situate may, on or before the first day of October in any year, at a meeting specially called for the purpose, declare by resolution that it is expedient to form a municipal board of education under this Act. 4 Edw. VII., c. 33, s. 1.

(2) Such resolution may be passed notwithstanding that a Union Board of Education already exists in the municipality.

Organization of Municipal Boards of Education.

(3) Upon the passing of the resolution a municipal board of education shall be organized in the municipality in accordance with the provisions of this Act, and when organized shall possess all the power and rights and perform all the duties theretofore possessed or performed by the boards which had theretofore exercised jurisdiction over the public and high schools and the technical schools situate within the municipality.

Powers, rights and duties of.

(4) Upon the organization of the board all the property theretofore vested in such previous boards shall become vested in the municipal board, and all the debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board. 4 Edw. VII., c. 33, s. 1, subsec. 2.

Composition of Municipal Boards.

5.—(1) Every municipal board shall be composed as follows:—

(*a*) In a city having 50,000 inhabitants or more, of fourteen members, twelve of whom shall be elected as hereinafter provided, and two of whom shall be appointed by the separate school board of the city.

(*b*) In a city having less than 50,000 inhabitants, of ten members, nine of whom shall be elected as hereinafter provided, and one appointed by the separate school board of the city.

(*c*) In a town or village, of eight members, seven of whom shall be elected as hereinafter provided and one appointed by the separate school board of such town or village.

(*d*) Subject to the provisions of clause (*e*) where there is no separate school board, the board shall be composed of the elected members only.

Appointment by county councils to boards in towns not separated from county.

(*e*) In the case of a municipal board having jurisdiction over a high school situate in a municipality not separated from the county, the council of such county at their first meeting in the year following the passing of the resolution mentioned in section 4 shall appoint three additional members of the board, one for one year, one for two years, and one for three years, and thereafter shall appoint a member to fill each vacancy as it occurs.

(2) A Board shall not be deemed incomplete by reason only of the failure of an appointing body to appoint the member or members which it has the right to appoint.

Mode of elections.

(3) The members to be elected shall be elected by the general vote of the persons qualified to vote for public school trustees, and the election shall be held at the same time and place, by the same returning officer and in the same manner as the election of a mayor or reeve; and, save as otherwise provided, all the provisions of *The Public Schools Act* respecting the qualification of trustees and the election of trustees by ballot shall apply to the election.

First election of members of board.

(4) The first election shall take place at the time of holding the municipal elections for the year following the passing of the resolution mentioned in section 4; but nothing in this Act shall affect any board having jurisdiction over any public school, high school, or technical school, during the year in which such resolution is passed. 4 Edw. VII., c. 33, s. 16 (2).

Number of votes for candidates.

(5) Every person qualified to vote shall be entitled to as many votes as there are members to be elected, but may not give more than one vote to any one candidate.

First election after organization.

(6) At the first election the full number of elective members shall be elected.

(7) One-half of the members so elected where the number of elected members is an even number, and the next number higher than one-half where the number of elected members is an odd number, who receive the highest number of votes shall continue in office for two years thereafter and until their successors are elected and the new board is organized, and the remaining members shall continue

in office for one year and until their successors are elected and the new board is organized.

Retirement where members have equal votes.

(8) Where two or more members receive an equal number of votes at the first election, and no agreement as to which of them shall retire is reached at the first meeting of such board, then at the next meeting the question shall be determined by lot to be cast by the secretary in presence of the board, and the result shall be entered upon the minutes of the meeting. 3 Edw. VII., c. 31, s. 3; 4 Edw. VII., c. 33, s. 8.

Subsequent elections.

(9) At each annual election after the first a sufficient number of members shall be elected for two years to fill the place of members retiring.

Retiring members eligible for re-election.

(10) The members retiring at the expiration of the terms for which they were respectively elected or appointed shall be eligible for re-election or re-appointment, if otherwise qualified. 3 Edw. VII., c. 31, s. 2; 4 Edw. VII., c. 33, s. 2.

Appointment by separate school board.

(11) The appointment of a member or members by the separate school board shall be made at the first meeting thereof in the year in which the first election of the municipal board is held and at its first meeting in every second year thereafter.

Term of office.

(12) Any member so appointed shall hold office for two years and until his successor is appointed. 4 Edw. VII., c. 33, s. 5.

Vacancies in cases of elected members.

6. Where the office of an elected member becomes vacant from any cause before the expiration of the term for which he was elected, the remaining members of the board shall, at the first meeting after the vacancy occurs, elect some duly qualified person to fill the vacancy, and the person so elected shall hold office for the remainder of the term for which his predecessor was elected. 3 Edw. VII., c. 31, s. 4; 4 Edw. VII., c. 33, s. 4.

Vacancies in cases of appointed members.

7. Where the office of an appointed member becomes vacant from any cause before the expiration of the term for which he was appointed, the vacancy shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the remainder of the term for which his predecessor was appointed. 4 Edw. VII., c. 33, s. 7.

First meeting each year.

8. The first meeting of every municipal board in each year shall be held at the hour of eight o'clock in the evening of the Thursday after the first Monday of January. 4 Edw. VII., c. 33, s. 8, *part*.

Board to be a corporation.

9. Every municipal board shall be a corporation by the name of "The Board of Education for the" (naming the city, town or village) and shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board, a high school board, or a technical school board. 4 Edw. VII., c. 33, s. 16 (1).

INSPECTORS.

Appointment of inspectors.

10.—(1) The municipal board of a city and of a town separated from the county shall, subject to the provisions hereinafter contained, appoint an inspector of the public schools for the city or town. 4 Edw. VII., c. 33, s. 17.

Where more than one inspector to be appointed.

(2) When the public school teachers in charge of separate departments engaged by a municipal board in a city exceed three hundred in number the board shall appoint two inspectors and an additional inspector for every three hundred above six hundred. 3 Edw. VII., c. 31, s. 17.

Division into territorial districts, where more than one inspector. Or chief inspector may be appointed.

(3) Where more inspectors than one are appointed the board may designate one of such inspectors "chief inspector" and the other or each of the others "inspector," and shall prescribe the duties of each. 3 Edw. VII., c. 31, s. 18.

11. Where a municipal board is organized under this Act in a municipality, any union board of education then existing therein shall thereby be dissolved.

UNION BOARDS OF EDUCATION.

Union Boards of Education.

12.—(1) A high school board of a municipality in which a municipal board has not been organized and the board of public school trustees of the same municipality may unite as a union board of education, on filing with the clerk of the municipality in which the high school is situate certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

How formed.

Powers, rights and duties of former school boards.

(2) The union shall take effect on the next date following the passing of such resolutions fixed under this Act for the first meeting in each year of a union board, and upon the formation of such union board all property theretofore vested in the boards so uniting shall become vested in such union board, and all debts, contracts agreements and obligations of the boards so uniting, shall become debts, contracts, agreements and obligations of the union board. 1 Edw. VII., c. 40, s. 4 (1).

Former trustees to continue in office.

(3) The members of the high school and public school boards forming the union who are then in office shall

continue in office until the expiration of the terms for which they were respectively appointed or elected, and shall be the members of the union board, and the trustees for such public and high schools shall continue to be appointed and elected as if the union had not been formed, and when so appointed or elected shall be the members of the union board.

New trustees to be elected and appointed pursuant to public and high schools Acts.

To be a corporation.

13. Every union board shall be a corporation by the name of "The Board of Education for" (naming the municipality in which the high school is situate), and such corporation shall have all the powers, perform all the duties and be subject to all the obligations of high school and public school boards. 1 Edw. VII., c. 40, s. 4 (3).

Dissolution of Union boards.

14.—(1) If at a meeting of a union board specially called for that purpose a majority of all the members of the board vote in favour of the dissolution thereof, the board shall be dissolved on the next date, following such vote, fixed by this Act for holding the first meeting of union boards.

On dissolution, the different boards to continue separately.

(2) Where a board is dissolved the members thereof who are high school trustees shall constitute the high school board, and shall continue in office for the remainder of the terms for which they were respectively appointed, and the members thereof who are public school trustees shall constitute the public school board and shall continue in office for the remainder of the terms for which they were respectively elected. 1 Edw. VII., c. 40, s. 5.

Division of property on dissolution.

(3) Upon the dissolution all property held or possessed by the union board for high school purposes shall forthwith vest in the high school board, and all property held or possessed by the union board for public school purposes shall forthwith vest in the public school board, and all property held or possessed by the union board at the time of its dissolution partly for high school and partly for public school purposes shall be divided as may be agreed upon by such high school and public school boards at a meeting called for that purpose.

(4) If no division is made within six months after the dissolution, the division shall be made forthwith by the council of the local municipality in which the high school is situate. 1 Edw. VII., c. 40, s. 5.

First meeting each year.

15. The first meeting of every union board in each year shall be held at the hour of eight o'clock in the evening of the first Wednesday in February. *See* 1 Edw. VII., c. 40, s. 15 (1).

Municipal board and union.

16.—(1) The first meeting of every municipal and union board after its organization or formation shall be held in the room, if any, provided for the board in the municipal building, and, if no room is provided, at the usual place of meeting of the former public school board, and the first meeting in subsequent years shall be held at such place as the board shall determine. 4 Edw. VII., c. 33, s 8, *part.*

Election of Chairman of Board of Education.

(2) At the first meeting in each year of every new municipal board and union board, and whenever the office of chairman becomes vacant, then at the first meeting of the board after the vacancy occurs, the members shall elect one of their number to be chairman of the board.

(3) In case of an equality of votes the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Vice-Chairman.

(4) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman.

(5) If at any meeting neither the chairman or vice chairman is present, the members present may elect a chairman for that meeting.

Secretary-Treasurer.

(6) At the first meeting after the organization or formation of the board, and so often as a vacancy occurs, the board shall also elect a secretary and a treasurer or a secretary-treasurer, who shall hold office during the pleasure of the board.

Who to preside during election of chairman.

(7) At any meeting of a board at which a chairman is to be elected the secretary, if present, shall preside until the chairman is elected, and if the secretary is not present the members present may elect one of their number for that purpose.

Acting secretary provided for.

(8) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting. 4 Edw. VII., c. 33, ss. 9, 11.

Quorum.

17. The presence of a majority of all the members constituting a board shall be necessary to form a quorum. 3 Edw. VII., c. 33, s, 10; 1 Edw. VII., c. 40, s. 15.

Chairman may vote.

18. The chairman or vice-chairman or member presiding, may vote with the other members on all questions, and, subject to the provisions hereinbefore contained as to a second or casting vote where there is an equality of votes at an election of chairman, any question on which there is an

Certain questions negative when there is an equality of votes.

equality of votes shall be deemed to be negatived except in case of an equality of votes for the election of a secretary or a treasurer, or secretary-treasurer, when the chairman or other presiding officer shall have a second or casting vote. 4 Edw. VII., c. 33, s. 11; 1 Edw. VII., c. 40, s. 15.

Disqualification.

19. The provisions of *The Public Schools Act* and of *The High Schools Act* respecting the disqualification of persons from being elected or appointed to, and from sitting and voting as members of public school boards and high school boards respectively, and respecting members resigning or vacating their offices, shall apply to all boards. 4 Edw. VII., c. 33, s. 15.

Special and advanced courses of study in high schools.

20.—(1) Every board of education with the approval of the Minister of Education may,—

(*a*) Make such modification of the prescribed high school courses of study for the high schools under its jurisdiction as it deems expedient;

(*b*) Provide for special or advanced instruction in any of such courses, and

(*c*) Designate such schools, or any of them, English, Commercial, Technical, or Classical High Schools, according to the course or courses of instruction provided therefor.

(2) The accommodations and equipment of the school and the qualifications of the staff shall be subject to the regulations made under the authority of *The Department of Education Act*. 4 Edw. VII., c. 33, s. 18.

Representatives of county council or separate schools not to vote on public school matters.

21. A member of a board appointed by a county council or by a separate school board shall not vote or otherwise take part in any of the proceedings of the board exclusively affecting the public schools. 4 Edw. VII., c. 33, s. 13.

This Act to be read with certain other Acts.

22. The provisions of *The Public Schools Act* and of *The High Schools Act* and of *The Act respecting Technical Schools* and of all amendments thereto, which are not inconsistent with this Act, shall be read as part of this Act and so far as such provisions are inconsistent with the provisions of this Act, they shall not apply to municipal boards or union boards. 3 Edw. VII., c. 31, s. 20; 4 Edw. VII., c. 33, s. 19.

Repeal.

23. The Act passed in the third year of His Majesty's reign, chaptered 31, and the Act passed in the fourth year of His Majesty's reign, chaptered 33, and all amendments thereto, are repealed.

No. 136.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Boards of Education.

First Reading, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 137. **BILL.** 1909

An Act to amend the Act respecting Police Magistrates.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 87, s. 2, amended.

1. The clause lettered (*a*) in section 2 of *The Act respecting Police Magistrates* as amended by section 27 of *The Statute Law Amendment Act, 1908*, is amended by striking out all the words therein after the word "kind" in the sixth line of the said amendment.

When Police Magistrate not to practise law, etc.

2. The Police Magistrate of a city having a population of more than 18,000 shall not practise the profession of Barrister or Solicitor or engage in any business while holding such office, but this shall not apply to the case of a Police Magistrate of a city having a population of less than 25,000 who was appointed before the 1st day of January, 1903, and is in office at the time of the passing of this Act.

No. 137

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act respecting Police Magistrates.

First Reading, 5th March, 1909.

Mr. NICKLE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 138 **BILL** 1909

An Act respecting the Village of Port Elgin.

Preambl

WHEREAS the Corporation of the Village of Port Elgin has by petition represented that By-law Number 482 of the said corporation entitled, "A By-law to authorize the issue of debentures of the Village of Port Elgin in the County of Bruce, to the amount of $7,000, for the purpose of granting aid by way of bonus to the extent of $7,000 to William McVicar and to exempt the said William McVicar from taxation except school taxes," was duly passed by the municipal council of the said corporation on the 2nd day of October, 1905, after the same had received the assent of the electors of the said village, and that said by-law was confirmed and declared valid by Chapter 118 of 6 Edw. VII; and whereas when money was required from the sale of said debentures, the said municipal council deferred issuing them as they found that owing to the condition of the money market said debentures could only be disposed of at a heavy discount, and by inadvertence the said municipal council allowed more than two years to lapse from the time of the passing of the said by-law before issuing said debentures; and whereas the said municipal council sold three of said debentures but have found it almost impossible to dispose of the remainder thereof owing to their not being issued within two years of the passing of said by-law; and whereas the money to be received from the sale of the remainder of said debentures is required by said corporation to repay to the Bank of Hamilton moneys borrowed from the said bank and applied for the purpose for which the money to be raised from the sale of said debentures was to be applied; and whereas the said corporation by its petition has prayed that an Act should be passed validating and confirming the debentures and coupons issued under the said by-law: and whereas it is expedient to grant the prayer of said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Certain debentures validated.

1. The debentures numbered from 1 to 20, both inclusive, dated the 1st day of November, 1905, which have been issued under By-law Number 482 of the Corporation of the Village of Port Elgin and signed by the Reeve and Treasurer of said corporation and the coupons which have been issued for the payment of the interest on said debentures and signed by the Reeve and Clerk of the said corporation, are hereby confirmed and declared to be legal, valid and binding on the said corporation.

No. 138

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Village of Port Elgin.

First Reading, 1909.

(*Private Bill.*)

Mr. PLOWMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 139 1909

BILL.

An Act respecting The Ontario Veterinary College.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as "The Veterinary College Act."

Ontario Veterinary College, continued.

2. The Ontario Veterinary College heretofore established in the City of Toronto and conducted by the Ontario Veterinary College, Limited, under Letters Patent issued under the Joint Stock Companies Act, and to which certain powers were given by the former Agriculture and Arts Association, is hereby continued as The Ontario Veterinary College, under the direction of the Minister of Agriculture.

Appliances and equipment of College.

3. The said College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education as may be requisite for the intelligent and successful performance of the business of a veterinary surgeon.

Principal and officers.

4. The Lieutenant-Governor in Council may appoint a Principal and such professors, lecturers and instructors as may be deemed necessary for giving instruction in the College and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties.

Substitution of courses in Agricultural College, etc.

5. The Lieutenant-Governor in Council may authorize the making of arrangements whereby instruction in any of the subjects prescribed to be taught in the College may be provided by the University of Toronto or by the Ontario Agricultural College, or by any other College affiliated with the University of Toronto.

Government and control of College.

6. The government of the College shall be under and according to such rules and regulations as the Lieutenant-

Governor in Council may from time to time prescribe, and such rules and regulations shall contain provisions for the standard and mode of admission; the course of study; the fees to be charged; the sessions, terms and vacations; and such provisions as may be deemed expedient touching the conduct of students.

Rights and standing of graduates.

7. Every student upon the successful completion of the course of study, upon passing the prescribed examinations, and upon satisfactory compliance with the rules and regulations of the College, shall be admitted to the standing of a Veterinary Surgeon and shall have all the privileges and rights accorded by statute to a Veterinary Surgeon, and there shall be issued to every such student a diploma granting him the title, degree and standing of Veterinary Surgeon, such diploma to be attested by the signature of the Principal of the College and the Minister of Agriculture.

Issue of duplicate diploma in certain cases.

8. The Lieutenant-Governor in Council may by order make provisions whereby in case of the loss or destruction of any diploma issued by the former Agriculture and Arts Association, the former Ontario Veterinary College, Limited, or by the Minister of Agriculture, a duplicate diploma may be issued to the person entitled to the same.

Accepting gifts, etc., on behalf of College.

9. It shall be lawful for the Lieutenant-Governor in Council in behalf of the Province to accept, hold and enjoy any gifts, bequests or devises of personal or real property or effects which any person or any government may think fit to make for the purpose of the said College.

Advisory board.

10. The Lieutenant-Governor in Council may, if deemed advisable, appoint an Advisory Board to advise and assist the Minister of Agriculture in the management of the College, and may by Order-in-Council prescribe its duties and powers and the amounts to be allowed for the services and expenses of the members of such Board.

Affiliation with University of Toronto, continued.

11. The affiliation of the College with the University of Toronto is hereby continued, such affiliation to be only to the extent of enabling the students of the said College to obtain at the examinations of the University such rewards, honours, standing, scholarships, diplomas and degrees in Veterinary Science as the University under its statutes and the Acts of the Legislature in that behalf may be allowed to confer.

Annual report of Principal.

12. The Principal of the College shall at the close of each year present to the Minister of Agriculture a report upon the work of the College in such form as the Minister may approve, setting forth the staff, the course of instruction, the students in attendance, the examination results, the

income and expenditure, and such general information as shall show the work being done, and this report shall be laid before the Legislative Assembly within the first thirty days of the session next ensuing.

Power to purchase or lease lands, etc.

13. The Lieutenant-Governor in Council may purchase or acquire or lease such buildings and premises as may from time to time be required for carrying on the work of the College.

Lease from Andrew Smith approved.

14. The lease of the buildings and premises used by the said College from one Andrew Smith to the Minister of Agriculture, as representing His Majesty the King, and bearing date the twenty-eighth day of July, one thousand nine hundred and eight, is hereby approved.

Rev. Stat., c. 184, s. 1, repealed.

15. Section 1 of an Act respecting Veterinary Surgeons, Chapter 184, R.S.O. 1897, is hereby repealed.

No. 139.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting The Ontario Veterinary College.

First Reading, 8th March, 1909.

Mr. DUFF.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 130 1909

BILL.

An Act respecting The Ontario Veterinary College.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as "The Veterinary College Act."

Ontario Veterinary College. continued.

2. The Ontario Veterinary College heretofore established in the City of Toronto and conducted by the Ontario Veterinary College, Limited, under Letters Patent issued under the Joint Stock Companies Act, and to which certain powers were given by the former Agriculture and Arts Association, is hereby continued as The Ontario Veterinary College, under the direction of the Minister of Agriculture.

Appliances and equipment of College.

3. The said College shall be furnished with all such appliances and equipment as may be necessary for theoretical and practical training in the science and art of veterinary medicine, and in such other branches of education as may be requisite for the intelligent and successful performance of the business of a veterinary surgeon.

Principal and officers.

4. The Lieutenant-Governor in Council may appoint a Principal and such professors, lecturers and instructors as may be deemed necessary for giving instruction in the College and the promotion of its usefulness, and may pass by-laws regulating and prescribing their respective duties.

Substitution of courses in Agricultural College, etc.

5. The Lieutenant-Governor in Council may authorize the making of arrangements whereby instruction in any of the subjects prescribed to be taught in the College may be provided by the University of Toronto or by the Ontario Agricultural College, or by any other College affiliated with the University of Toronto.

Government and control of College.

6. The government of the College shall be under and according to such rules and regulations as the Lieutenant-

Governor in Council may from time to time prescribe, and such rules and regulations shall contain provisions for the standard and mode of admission; the course of study; the fees to be charged; the sessions, terms and vacations; and such provisions as may be deemed expedient touching the conduct of students.

Rights and standing of graduates.

7. Every student upon the successful completion of the course of study, upon passing the prescribed examinations, and upon satisfactory compliance with the rules and regulations of the College, shall be admitted to the standing of a Veterinary Surgeon and shall have all the privileges and rights accorded by statute to a Veterinary Surgeon, and there shall be issued to every such student a diploma granting him the title, degree and standing of Veterinary Surgeon, such diploma to be attested by the signature of the Principal of the College and the Minister of Agriculture.

Issue of duplicate diploma in certain cases.

8. The Lieutenant-Governor in Council may by order make provisions whereby in case of the loss or destruction of any diploma issued by the former Agriculture and Arts Association, the former Ontario Veterinary College, Limited, or by the Minister of Agriculture, a duplicate diploma may be issued to the person entitled to the same.

Accepting gifts, etc., on behalf of College.

9. It shall be lawful for the Lieutenant-Governor in Council in behalf of the Province to accept, hold and enjoy any gifts, bequests or devises of personal or real property or effects which any person or any government may think fit to make for the purpose of the said College.

Advisory board.

10. The Lieutenant-Governor in Council may, if deemed advisable, appoint an Advisory Board to advise and assist the Minister of Agriculture in the management of the College, and may by Order-in-Council prescribe its duties and powers and the amounts to be allowed for the services and expenses of the members of such Board.

Affiliation with University of Toronto, continued.

11. The affiliation of the College with the University of Toronto is hereby continued, such affiliation to be only to the extent of enabling the students of the said College to obtain at the examinations of the University such rewards, honours, standing, scholarships, diplomas and degrees in Veterinary Science as the University under its statutes and the Acts of the Legislature in that behalf may be allowed to confer.

Annual report of Principal.

12. The Principal of the College shall at the close of each year present to the Minister of Agriculture a report upon the work of the College in such form as the Minister may approve, setting forth the staff, the course of instruction, the students in attendance, the examination results, the

income and expenditure, and such general information as shall show the work being done, and this report shall be laid before the Legislative Assembly within the first thirty days of the session next ensuing.

Power to purchase or lease lands, etc.

13. The Lieutenant-Governor in Council may purchase or acquire or lease such buildings and premises as may from time to time be required for carrying on the work of the College.

Lease from Andrew Smith approved.

14. The lease of the buildings and premises used by the said College from one Andrew Smith to the Minister of Agriculture, as representing His Majesty the King, and bearing date the twenty-eighth day of July, one thousand nine hundred and eight, is hereby approved.

Rev. Stat., c. 184, s. 1, repealed.

15. No person or persons, association, company or organization other than is authorized under this Act shall, by advertisement or otherwise, use the name of the Ontario Veterinary College, and no person or persons, association, company or organization shall, by advertisement or otherwise, use any name similar or analogous to that of the Ontario Veterinary College, without first receiving the consent of the Minister of Agriculture in writing.

(*a*) Any person not complying with the provisions of this section shall, upon conviction thereof, be subject to a fine not exceeding $50 and in default of payment thereof be liable to imprisonment for not less than thirty days.

16. Section 1 of *An Act respecting Veterinary Surgeons*, Chapter 184, R.S.O. 1897, is hereby repealed.

No. 139.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting The Ontario Veterinary College.

First Reading, 8th March, 1909.
Second Reading, 12th March, 1909.

(Reprinted as amended by Committee of the Whole House).

Mr. DUFF.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 140 **BILL.** 1909

An Act to amend The Act respecting Stationary Engineers.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The clause (*a*) in section 3 of *The Act respecting Stationary Engineers*, passed in the 7th year of His Majesty's reign, Chaptered 32, is amended by adding thereto the words "provided that no person shall be eligible for such examination unless he is a British subject or has resided in Canada for at least three years." 7 Edw. VII., c. 32, s. 3, amended.

No. 140.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act respecting Stationary Engineers.

First Reading, 8th March, 1909.

Mr DUFF.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 141 **BILL.** 1909

An Act respecting the City of Ottawa.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition shown that the said Corporation was under the provisions of an Act passed in the year 1878, being Chapter 37 of the Statutes for that year and intituled "An Act to Consolidate the Debenture Debt of the City of Ottawa," authorized to consolidate its then existing debenture debt, to renew the debentures set out in the preamble to the said Act, to provide for the payment of the interest on the said debentures and the renewals thereof and to create a general sinking fund for the payment or redemption of the said debentures or the renewals thereof; and whereas the said Corporation has by its said petition further shown that it has exercised the authority conferred by the said Act and has redeemed out of the general sinking fund created thereunder all the debentures issued thereunder, with the exception of certain debentures issued in the year 1903, amounting to $584,000 and certain debentures issued in the year 1905, amounting to $301,733.33, which are still current and outstanding; and whereas the said Corporation has by its said petition further shown that owing to the said redemptions and the manner in which the same have been made the said general sinking fund created under the said Act will not be sufficient to pay the said outstanding debentures in full at their maturity, that the provisions of the said Act are in other respects unsatisfactory, and that it is expedient that the said Act should be repealed and the said Corporation authorized to cancel the debentures so redeemed as aforesaid and to make other provision for the payment of the said outstanding debentures at their maturity; and whereas the said Corporation has by its petition further shown that the greater part of the debt consolidated under the said Act was contracted for the construction of water works in the said city, that the annual sum authorized by the said Act to be raised to provide a general sinking fund for the payment or redemption of the debentures issued thereunder was made a charge on the water

rates, but the interest annually accruing upon the said debentures was made a charge upon the whole of the rateable property of the said city and that it is just that provision should continue to be made for the payment of the said outstanding debentures out of the water rates and of the interest thereon out of a special annual rate upon the whole of the rateable and assessable property of the said city, but that both the principal and interest to be secured by the debentures to be issued under this Act should be charged against the water rates and that there is now standing to the credit of the said general sinking fund created under the said Act, passed in the year 1878, the sum of $137,271.92; and whereas the said Corporation has by its petition further shown that under the provisions of section 10 of an Act passed in the year 1874, being Chapter 76 of the Statutes for that year, the erection, construction, maintenance and operation of a Fire Alarm System for the said city was made a charge upon the said water rates, and that it is equitable and just that the said water rates should be relieved of the said charge and that hereafter provision should be made for the maintenance and operation, and extension, if necessary, of the said Fire Alarm System, out of the general funds of the Corporation and has prayed that an Act may be passed for the said purposes; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

41 V., c. 37, repealed.

1. The Act passed in the year 1878, and being Chapter 37 of the Statutes for that year, is repealed and the Corporation of the City of Ottawa is authorized to cancel all the debentures invested in or redeemed out of the general sinking fund created under the authority of the said Act and now held by the said Corporation.

Debentures to remain binding.

2. Notwithstanding the repeal of the said Act the debentures amounting to $584,000 issued under the provisions of the by-law of the said Corporation intituled "By-law No. 1434; to provide for the issue of debentures to the amount of £120,000 sterling to enable the City of Ottawa to redeem outstanding debentures for that amount which fall due during the current year," passed in the year 1893 under the authority of the said Act and which are payable on the 6th day of October, 1913, and the debentures amounting to $301,733.33 issued under the provisions of the by-law of the said Corporation, intituled "By-law No. 1552; to provide for the issue of debentures to the amount of $301,733.33 to enable the City of Ottawa to redeem outstanding debentures for that amount which fell due during the current year," passed in the year 1895 under the authority of

the said Act and which are payable on the first day of May, 1915, shall continue to be binding upon the said Corporation and the said Corporation shall remain liable for the payment of the said debentures at their maturity and of the interest thereon during their currency as expressed in the said by-laws as fully as if the said Act had not been repealed.

Annual rates to be levied for interest.

3. For the purpose of providing for the payment of the interest on the said debentures during their currency, the said Corporation shall continue to raise, levy and collect annually until the date of the maturity of the last of the said debentures, upon the whole of the rateable or assessable property of the said city, a rate of so much on the dollar as shall be sufficient to discharge the interest upon such of the said debentures as may be outstanding.

Annual rates for sinking fund.

4. To provide for the payment of the said debentures at their maturity, a sinking fund shall be created and there shall be transferred and credited thereto as if the said transfer and credit had been made on the first day of January, 1909, out of the moneys standing to the credit of the general sinking fund created under the said Act passed in the year 1878 the sum of $130,000, and thereafter there shall be transferred and credited to the said sinking fund, on the first day of May in each of the years, 1909, 1910, 1911, 1912 and 1913 the sum of $50,000 and in each of the years 1914 and 1915 the sum of $29,700, and when raised the sums authorized to be borrowed under the provisions of section 7 hereof, which said sums, with the estimated interest on the said annual sums, are estimated to be sufficient to provide for the payment of the said debentures at their maturity.

Sinking fund rates for 1909-1915 to be a charge on water rates.

5. The said annual sums to be transferred and credited to the said sinking fund in the years 1909, 1910, 1911, 1912, 1913, 1914 and 1915 shall be charges upon the water rates which the said Corporation is authorized to levy and collect by the Act passed in the year 1872, being Chapter 80 of the Statutes for that year and intituled *An Act for the construction of Water Works for the City of Ottawa*, in priority to all other charges and the said Corporation shall in each of the said years 1909, 1910, 1911, 1912, 1913, 1914 and 1915 raise, with the authority conferred by the said Act out of the water rates, a sum sufficient to provide the sum to be transferred and credited in such year to the said sinking fund as aforesaid in addition to all other sums required to be raised to meet the charges for maintenance and for the payment of the principal and interest of other debts authorized to be raised for the purposes of the said water works.

Where water rates insufficient.

6. If at any time, however, the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur there shall be raised, levied and collected by the said Corporation by a special rate upon the whole of the assessable property of the said Corporation, according to the last revised assessment roll thereof, a sum sufficient to make good such deficiency.

Special issue of debentures to provide for sinking fund.

7. In order to provide that the said sinking fund shall be sufficient for the payment of the said debentures as the same shall respectively mature the said Corporation may borrow upon a special issue of debentures, bearing interest at such rate as the said Corporation may determine, and payable in ten years from the date thereof, on or before the 6th day of October, 1913, the sum of $160,000, and on or before the first day of May, 1915, the sum of $240,000 or such sum as may be necessary to ensure the sufficiency of the said sinking fund for the purposes aforesaid and shall transfer and credit the said sums when raised to the said sinking fund and apply the same to the payment of the said debentures and to no other purpose.

Special annual charge on water rates for interest and sinking fund.

8. For the payment of the said debt of $160,000 and the interest thereon and the said debt of $240,000 and the interest thereon represented by the debentures to be issued under the authority of the immediately preceding section hereof, there shall be annually raised during the currency of the said debentures to be issued for each such debt with the authority conferred by the Act passed in the year 1872, being Chapter 80 of the Statutes for that year and intituled *An Act for the construction of Water Works for the City of Ottawa*, by the said Corporation from the water rates sums sufficient to discharge the said debts and the interest thereon when the same shall respectively become due, such sums to be in addition to the sums required to be raised to meet the charges for maintenance and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said water works, or to be charged against the said water rates by any Act of this Legislature; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid then, when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said Corporation according to the last revised assessment roll thereof a sum sufficient to make good such deficiency.

Assent of electors not required.

9. No by-law to be passed under section 7 hereof shall require to be submitted to, or have the assent thereto of the electors before the final passing thereof.

Surplus on credit of sinking fund—application of.

10. Any surplus that may remain to the credit of the sinking fund created under the authority of the said Act passed in the year 1878 after transferring therefrom and crediting to the sinking fund created under section 4 hereof the said sum of $130,000 may be used for the current expenditure of the said Corporation.

Repeal of inconsistent provisions.

11. Any section or sections or part or parts of sections in the Acts of this Legislature authorizing the construction of the waterworks of the City of Ottawa inconsistent with the provisions of this Act are repealed.

37 V., c. 37, s. 10 repealed.

12. Section 10 of the Act passed in the year 1874, being Chapter 37 of the Statutes for that year, intituled *An Act to enable the Corporation of the City of Ottawa to issue Debentures for a further sum of money to complete the construction of the Water Works for the City of Ottawa*, is repealed, the powers, rights and privileges thereby conferred on the Water Commissioners for the City of Ottawa are transferred to and vested in the said Corporation and hereafter the cost of maintaining, operating and extending when necessary the Fire Alarm System established under the authority of the said section of the said Act shall be provided for out of the general funds of the said Corporation.

Powers, etc. of water commissioners transferred to city.

No. 141

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the City of Ottawa.

First Reading, March, 1909.

(*Private Bill.*)

MR. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 142 **BILL.** 1909

An Act respecting the Township of York.

Preamble.

WHEREAS the Municipal Corporation of the Township of York has by petition prayed for special Legislation in the following matter; and whereas a large number of ratepayers of the Township of York, residing north and north-easterly from that portion of the City of Toronto lying east of Yonge Street, have for many years past from time to time made application to the Municipal Council of the Township of York for the opening of a highway from Merton street, which is the boundary line between the Town of North Toronto and that portion of the Township of York lying south of said Merton Street and between Yonge street and Bay View Avenue southerly to connect with some convenient highway or highways leading from the south side of Mount Pleasant Cemetery to the City of Toronto; and whereas the only access which the aforesaid ratepayers have to and from the City of Toronto is by Yonge Street or by a highway which is known as Bay View Avenue, the distance between the two said highways being one and one-quarter miles from Yonge Street; and whereas the highway applied for is an absolute necessity for the convenience of the ratepayers aforesaid; and whereas the property of the Toronto General Burying Grounds Trustees, known as Mount Pleasant Cemetery and extending from Yonge Street easterly to Bay View Avenue east of Yonge Street lies in the way of the proposed highway; and whereas from time to time within the past few years negotiations have been carried on between the Council of the Township of York and the Toronto General Burying Grounds Trustees with a view to agreeing upon a line of highway which would be suitable to all parties; and whereas no such arrangement has been as yet arrived at; and whereas it is expedient that the Municipality of the Township of York shall be authorized and empowered to purchase, expropriate or otherwise acquire from the Toronto General Burying Grounds Trustees sufficient lands

for the purpose of opening up the said highway; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Expropriation of certain lands.

1. The Council of the said Corporation is hereby authorized to purchase, expropriate or otherwise acquire the following lands: All and singular those certain parcels or tracts of land and premises situate, lying and being in the Township of York in the County of York, being composed of Lot Number 28, of registered Plan Number 895, part of a reserve to the north of said Lot Number 28, part of Township Lot Number 19 in the 3rd Concession from the Bay and parts of Lots Numbers 147 and 148 of registered Plan Number M. 5. containing by admeasurement 2½ acres, more or less, and is more particularly described by the centre line as follows: Commencing at the south-west angle of said Lot Number 28 of said Plan Number 895; thence easterly along the southerly limit of said Lot Number 28, 33 feet to the said centre line; thence north 11 degrees and 30 minutes, west along said centre line, parallel to the westerly limit of said Lot Number 28, 145 feet to a fence for the southerly limit of said Township Lot Number 19; thence north 11 degrees and 10 minutes, west along said centre line 1,363 feet to the south-west angle of said Lot Number 147 of said Plan M. 5, thence north 11 degrees, west along said centre line (being line between said lots Numbers 147 and 148 of Plan Number M. 5) 172 feet to the southerly limit of Merton Street; the north of said parcel herein described being 33 feet on each side of said centre line. Excepting therefrom the right of way of the Belt Line Railway across said parcel herein described. All courses magnetic of January 6th, 1909. And if necessary to issue debentures for such sum or sums as may be necessary to pay the purchase money of the said lands and cover all costs or other expenses incidental to the expropriation and opening up of the highway, such debentures to be payable within such time as the council may deem expedient, but not to exceed years.

No. 142.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Township of York.

First Reading. March, 1909.

(*Private Bill.*)

Mr. McCowan.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 142 **BILL.** 1909

An Act respecting the Township of York.

Preamble.

WHEREAS the Municipal Corporation of the Township of York has by petition prayed for special Legislation in the following matter; and whereas a large number of ratepayers of the Township of York, residing north and north-easterly from that portion of the City of Toronto lying east of Yonge Street, have for many years past from time to time made application to the Municipal Council of the Township of York for the opening of a highway from Merton street, which is the boundary line between the Town of North Toronto and that portion of the Township of York lying south of said Merton Street and between Yonge street and Bay View Avenue southerly to connect with some convenient highway or highways leading from the south side of Mount Pleasant Cemetery to the City of Toronto; and whereas the only access which the aforesaid ratepayers have to and from the City of Toronto is by Yonge Street or by a highway which is known as Bay View Avenue, the distance between the two said highways being one and one-quarter miles from Yonge Street; and whereas the highway applied for is an absolute necessity for the convenience of the ratepayers aforesaid; and whereas the property of the Toronto General Burying Grounds Trustees, known as Mount Pleasant Cemetery and extending from Yonge Street easterly to Bay View Avenue east of Yonge Street lies in the way of the proposed highway; and whereas from time to time within the past few years negotiations have been carried on between the Council of the Township of York and the Toronto General Burying Grounds Trustees with a view to agreeing upon a line of highway which would be suitable to all parties; and whereas no such arrangement has been as yet arrived at; and whereas it is expedient that the Municipality of the Township of York shall be authorized and empowered to purchase, expropriate or otherwise acquire from the Toronto General Burying Grounds Trustees sufficient lands

for the purpose of opening up the said highway; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Expropriation of certain lands.

1.—(1) The Corporation *of the Township of York* is hereby authorized to purchase, expropriate or otherwise acquire the following lands for the purpose of a public highway: All and singular these certain parcels or tracts of land and premises situate, lying and being in the Township of York in the County of York, being composed of Lot Number 28, of registered Plan Number 895, part of a reserve to the north of said Lot Number 28, part of Township Lot Number 19 in the 3rd Concession from the Bay and parts of Lots Numbers 147 and 148 of registered Plan Number M. 5. containing by admeasurement 2½ acres, more or less, and is more particularly described by the centre line as follows: Commencing at the south-west angle of said Lot Number 28 of said Plan Number 895; thence easterly along the southerly limit of said Lot Number 28. 33 feet to the said centre line; thence north 11 degrees and 30 minutes, west along said centre line, parallel to the westerly limit of said Lot Number 28, 145 feet to a fence for the southerly limit of said Township Lot Number 19; thence north 11 degrees and 10 minutes, west along said centre line 1,363 feet to the south-west angle of said Lot Number 147 of said Plan M. 5, thence north 11 degrees, west along said centre line (being line between said lots Numbers 147 and 148 of Plan Number M. 5) 172 feet to the southerly limit of Merton Street; the north of said parcel herein described being 33 feet on each side of said centre line. Excepting therefrom the right of way of the Belt Line Railway across said parcel herein described. All courses magnetic of January 6th, 1909.

Power to borrow.

(2) The said Corporation may borrow by the issue of debentures such sum or sums as may be necessary to pay the purchase money of the said lands and cover all costs or other expenses incidental to the expropriation and opening up of the highway, such debentures to be payable within such time as the council may deem expedient, but not to exceed *twenty* years.

Compensation.

(3) Before opening up such highway the said Corporation shall pay to the owners of such lands such compensation as may be agreed upon, or in default of agreement, as may be determined by arbitration under *The Consolidated Municipal Act, 1903.*

No. 142.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Township of York.

First Reading, 16th March, 1909.

(*Reprinted as amended by The Private Bills Committee*).

Mr. McCowan.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 143 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 40 of *The Assessment Act* as amended by section 6 of *The Assessment Amendment Act, 1907*, is further amended by striking out the word "fifty" in the 7th line, and substituting therefor the word "two." 4 Edw. VII., c. 23, s. 40, subs. 1, amended.

2. Paragraph 19 of section 5 of the said Act as amended by section 1 of *The Assessment Amendment Act, 1906*, is amended by striking out all the words in the 5th, 6th and 7th lines, and the words "in the city, town or other municipality" in the 8th and 9th lines, and all the words in the 16th, 17th and 18th lines. 4 Edw, VII., c. 23, s. 5, par. 19, amended.

No. 143

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 9th March, 1909.

Mr. GODFREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 144 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 11, amended.

(1*a*) The council or councils of any county or counties may in like manner erect a police village containing over 750 inhabitants into an incorporated village, and any by-law or by-laws heretofore passed by the council or councils of any county or counties erecting a police village containing over 750 inhabitants into an incorporated village shall be as valid and effectual as if this subsection were in force at the time of the passing thereof. Incorporation of police village.

No. 144

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 9th March, 1909.

Mr. MACDIARMID.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 145 **BILL.** 1909

An Act to amend The Municipal Light and Heat Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 14 of *The Municipal Light and Heat Act* is amended by adding at the end of such section the following words:— Rev. Stat., c. 234, s. 14 amended.

"And where a board of light and heat commissioners has been elected for any municipality the council of the municipality may by by-law place in the hands of such board the management of the reception, distribution and supply of any electrical power or energy to be supplied to the corporation under contract with The Hydro Electric Power Commission of Ontario, and in such case the words "gas or other" and "gas or other light or heat" herein shall include electrical power or energy to be so supplied to the corporation under such contract." Board of Commissioners may be entrusted with distribution of electrical power supplied by Hydro-Electric Power Commission.

No. 145.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Light and Heat Act.

First Reading, 9th March, 1909.

Mr. DOWNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 146 1909

BILL.

An Act to amend The Municipal Light and Heat Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Municipal Light and Heat Act* is hereby amended by adding thereto the following subsection (1*a*):— Rev. Stat. c. 234, sec. 3 amendded.

(1*a*) The said corporation shall also have power to produce and supply steam or hot water for heating, and to sell and dispose of the same to any person, firm or corporation, and to heat any buildings within the municipality by means of the same and to charge rates therefor, and to make contracts for supplying such steam or hot water, and all the provisions of this Act shall apply to the methods of heating mentioned in this section. Municipality may produce and supply steam and hot water for heating.

No. 146.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Municipal Light and Heat Act.

First Reading, 9th March, 1909.

Mr. MACDIARMID.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 146 **BILL.** 1909

An Act to amend The Municipal Light and Heat Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Municipal Light and Heat Act* is hereby amended by adding thereto the following subsection (1*a*):— Rev. Stat. c. 234, sec. 3 amended.

(1*a*) The said corporation shall also have power to produce and supply steam or hot water for heating, and to sell and dispose of the same to any person, firm or corporation, and to heat any buildings within the municipality by means of the same and to charge rates therefor, and to make contracts for supplying such steam or hot water, and all the provisions of this Act shall apply to the methods of heating mentioned in this section. Municipality may produce and supply steam and hot water for heating.

2. Section 14 of *The Municipal Light and Heat Act* is amended by adding at the end of such section the following words:— Rev. Stat., c. 234, s. 14 amended.

"And where a board of light and heat commissioners has been elected for any municipality the council of the municipality may by by-law place in the hands of such board the management of the reception, distribution and supply of any electrical power or energy to be supplied to the corporation under contract with The Hydro Electric Power Commission of Ontario, and in such case the words "gas or other" and "gas or other light or heat" herein shall include electrical power or energy to be so supplied to the corporation under such contract." Board of Commissioners may be entrusted with distribution of electrical power supplied by Hydro-Electric Power Commission.

3. The said Act is amended by adding the following section:—

Power to borrow.

16. The Council of any such municipality may, with the assent of the ratepayers as provided by *The Consolidated Municipal Act, 1903*, respecting money by-laws, pass by-laws authorizing the issue of debentures to pay the cost of any works, constructed under the provisions of this Act.

No. 146.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Light and Heat Act.

First Reading, 9th March, 1909.
Second Reading, 17th March, 1909.

(*Reprinted as amended by the Municipal Committee*).

Mr. MACDIARMID.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 147 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII., c. 19, s. 569, subs. 5, amended.

1. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, as enacted by section 21 of *The Municipal Amendment Act, 1906*, and as further amended by section 15 of *The Municipal Amendment Act, 1907*, is hereby further amended by adding after the word "energy" at the end of said last mentioned section 15 the words, "or sewerage works or works for the interception, purification or disposal of sewage," and by inserting after the word "corporation" where the same first occurs in the said subsection the words, "or uses or has used the money of the corporation for the purchase, acquisition or construction of such works," and by inserting after the word "interest" in the fourth line from the end of the said subsection the words "or if it be shown in the case of the extension or improvement of sewerage or sewage works to the satisfaction of the Ontario Railway and Municipal Board that such extensions or improvements are necessary and are required and approved of by the Provincial Board of Health of Ontario."

Sewerage or sewage disposal works.

No. 147.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 9th March, 1909.

Mr. DOWNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 148 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

4 Edw. VII., c. 23, s. 10, subs. 1, cl. (*d*), amended. Business assessment of manufacturers.

1. Clause (*d*) of subsection 1 of section 10 of *The Assessment Act*, is amended by striking out in the second line of said clause (*d*) the words "60 per cent." and inserting in lieu thereof "50 per cent."

4 Edw. VII., c. 23, s. 10, subs. 7. amended. Where shareholders not to be assessed on income.

2. Subsection 7 of said section 10 of said Act is amended by inserting after the words "subsection 1" in the ninth line the words "nor shall any shareholder" owning in his own right not less than 10 per cent. of the total paid up capital of any such corporation, be subject to assessment in respect of any income derived from the business of such corporation."

No. 148

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 9th March, 1909.

Mr. McNAUGHT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 149 **BILL.** 1909

An Act to regulate the Means of Egress from Public Buildings.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Doors to open outwards.

1. In all churches, theatres, halls, or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, and school houses of more than one storey in height, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences if not so hinged shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause.

Ecclesiastical corporations and persons, liability of.

2. Congregations and Societies possessing corporate powers, and all trustees, incumbents, churchwardens, and other persons holding churches or buildings used for churches shall be severally liable, as trustees for such congregations or societies, to the provisions of this Act.

Regulations by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council shall have power from time to time to make Regulations similar or different in different localities or with reference to different classes of buildings, or having application to different conditions governing theatres, halls or other buidings constructed or used for holding public meetings, or for places of public resort or amusement, and Regulations governing the licensing, using, and operating of cinematographs, moving picture machines, or other similar apparatus involving the use of a combustible film and for prescribing the conditions under which such machine shall be operated.

Moving picture shows.

4. No cinematograph, moving picture machine, or other similar apparatus involving the use of a combustible film

shall be kept or exhibited for entertainment until the owner, user, or exhibitor of such apparatus has complied with the Regulations made by the Lieutenant-Governor in Council and obtained a license from the Provincial Treasurer.

License fee.

5. The owner, user, or exhibitor of every such cinematograph, moving picture machine, or other similar apparatus shall pay in advance to the Provincial Treasurer an annual license fee, the amount of which shall be fixed by Regulation of the Lieutenant-Governor in Council.

Operating moving picture shows without license.

6. Any person in charge of such cinematograph, moving picture machine, or other similar apparatus, or the owner, proprietor, manager, or person having control thereof who uses any such machine for public entertainment without having complied with the Regulations passed by the Lieutenant-Governor in Council and without having therefor a license from the Provincial Treasurer as required by this Act, shall be guilty of an offence against this Act.

Penalty for municipal corporation issuing license in violation of law.

7. No Municipal Corporation shall issue a license for any cinematograph, moving picture machine, or other similar apparatus, to which this Act applies until the applicant produces a license from the Provincial Treasurer authorizing the exhibition in the Municipality, and any member or officer of a Municipal Corporation who is a party to the issue of any license in violation of the provisions of this Act shall be liable on summary conviction to a fine of $20 besides costs, and in default of payment, to imprisonment for a term not exceeding 30 days.

Penalties.

8. Any person offending against any of the provisions of this Act, save sections 7 and 11 and any person offending against any of the Regulations of the Lieutenant-Governor in Council passed hereunder shall on summary conviction be liable to a fine of not less than $50 nor more than $200 with costs and a further fine of $25 per diem during the time after conviction which such offence continues, and in default of immediate payment the offender shall be imprisoned in the common goal of the county where such conviction takes place for a period not exceeding three months.

Imprisonment in addition to fine.

9. If any breach of this Act or of any of the Regulations passed hereunder causes directly or indirectly bodily injury or loss of life, the owner, lessee, manager, operator, or other person through or by whom such breach occurred, shall in addition to any other penalty prescribed by law on summary conviction be liable to imprisonment for a term not exceeding one year.

Inspection of cinematographs, etc., by Provincial police.

10. The Ontario Provincial Police are hereby empowered and directed at any time to inspect any cinematograph, moving picture machine, or other similar apparatus which is used or kept on premises licensed under this Act to enforce the provisions of this Act and the Regulations passed hereunder.

Duty of local police as to enforcement of Act.

11. In cities, towns and incorporated villages, it shall also by the duty of the Chief Constable, or Chief of Police, to enforce the provisions of this Act and the Regulations passed hereunder and such officers neglecting the performance of such duties shall, on summary conviction, be liable to a fine not exceeding $50 and costs.

Application of fines.

12. All penalties recovered under this Act shall be paid to the Treasurer of the Province of Ontario for the use of said Province.

Act not to apply to convents or private chapels.

13. This Act shall not be construed to apply to Convents or private Chapels connected therewith.

Rev. Stat. c. 263 and 8 Edw. VII., c. 60 repealed.

14. Chapter 263 of the Revised Statutes of Ontario, 1897, and the Act passed in the eighth year of His Majesty's reign, Chaptered 60, are repealed.

No. 149.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to regulate the Means of Egress from Public Buildings.

First Reading, 9th March, 1909.

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 150 1909

BILL.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 740 of *The Consolidated Municipal Act, 1903*, as amended by section 37 of the Act passed in the seventh year of His Majesty's reign and Chaptered 40, is repealed and the following substituted therefor:— 3 Edw. VII. c. 19. s. 740. amended.

740. Notwithstanding the provisions of any agreement that may have been heretofore entered into between the Trustees of any Police Village and the Council or Councils of the Township or Townships in which such Police Village is situated, or of any award heretofore made by a County Judge, the Council or Councils of the Township or Townships in which the Police Village is situated, shall, annually, place to the credit of the Trustees of the Police Village to be expended by the said Trustees for Police Village purposes, the whole amount of the Township rate levied upon the property liable to assessment within the limits of such Police Village, less ten per cent. thereof, which ten per cent. shall be retained by the said Township Council or Councils as the share of the said Police Village of the expenditure of the said Township or Townships. Rates levied in police village.

2. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section as 740*a* thereof:— 3 Edw. VII, c. 19, amended.

740*a*. The Council or Councils of the Township or Townships in which a Police Village is situated, shall, when required by the Trustees of such Police Village pass a By-law, commuting all the statute labour for which the property located within the limits of the said Police Village is liable according to the ratio of statute labour in vogue in said Township or Townships to a money payment of such sum for each day's statute labour, not exceeding the Commuting statute labour in police village.

sum of one dollar per day, as the said Trustees may deem sufficient, and the said Council or Councils shall place annually to the credit of the said Trustees in the books of the Treasurer or Treasurers of the said Township or Townships the whole amount of the said statute labour so commuted to be expended by the said Trustees for the purposes of the said Police Village.

3 Edw. VII, c. 19, s. 742, amended.

3. Section 742 of the *Consolidated Municipal Act, 1903*, is amended by adding after the word "Treasurer" in the first line thereof, the words "or Treasurers;" by striking out the words "he has" in the second line thereof, and substituting therefor the words "they have;" by striking out the word "his" in the second line and substituting therefor the word "their;" by adding after the word "municipality" in the said second line, the words "or municipalities;" by striking out the word "he" in the sixth line and substituting therefor the word "they"; by striking out the word "him" in the eighth line thereof and substituting therefor the word "them," and by adding after the word "aforesaid" in the fifth line thereof, the words "and to the amount of such other sums as the said Council or Councils are required under this Act to place to the credit of the Police Village."

3 Edw. VII, c. 19, s. 742*a*, amended.

4. Section 742*a* of the *Consolidated Municipal Act, 1903*, is amended by striking out the word "may" in the third line thereof, and substituting the word "shall."

3 Edw. VII, c. 19, s. 746*b*, subs. 2, amended.

5. Subsection 2 of section 746*b* of *The Consolidated Municipal Act, 1903*, is amended by adding at the beginning thereof, the words "notwithstanding any of the provisions of Chapter 271 of the Revised Statutes of Ontario, 1897," and by striking out all the words in the said section after the word "Act" in fourth line thereof.

3 Edw. VII, c. 19, s. 746*b*, amended.

6. Section 746*b* of *The Consolidated Municipal Act, 1903*, is amended by adding the following as subsection 3 thereof:—

Dog tax in police village, application of

(3) Whether the tax to be paid by owners or harborers of dogs within the limits of any Police Village is imposed by By-law of the Trustees thereof, or of the Council or Councils of the Township or Townships in which the said Police Village is located, or under the authority of section 1, of Chapter 271 of The Revised Statutes of Ontario, 1897, the amount of the said tax shall be collected annually by the Collector or Collectors of the Township or Townships in which the said Police Village is located at the same time and in the same manner as other taxes payable to the said Township or Townships are collected, and shall be paid by the said Collector or Collectors to the

Treasurer or Treasurers of the said Township or Townships and shall be placed by the said Treasurer or Treasurers to the credit of the Trustees of the said Police Village, to be expended by the said Trustees for the purposes of the said Police Village.

No. 150

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 10th March, 1909

Mr. MACDIARMID.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 151 1909

BILL.

An Act to amend The Consolidated Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:— 3 Edw. VII, c. 19, amended.

71*b*. The council of any city may by by-law provide that the aldermen shall be elected for two years, and at the next ensuing municipal election. Election of aldermen for two years.

(*a*) Where the aldermen are elected, by general vote, one-half of them, where the number is even, who receive the highest number of votes, shall hold office for two years thereafter and until their successors have been elected, and the remainder shall hold office for one year and until their successors have been elected. At each annual election after the first, a sufficient number shall be so elected for two years to fill the places of aldermen retiring, and those retiring shall be eligible for re-election; One half to retire annually where election by general vote.

(*b*) Where the aldermen are elected by wards, the by-law shall provide for an even number to be elected in each ward, and at the next municipal election after the passing of the by-law one-half of the aldermen in each ward who receive the highest number of votes shall hold office for two years thereafter and until their successors have been elected, and the remainder shall hold office for one year and until their successors have been elected. At each annual election after the first a sufficient number shall be elected in each ward for two years to fill the places of aldermen retiring, and those retiring shall be eligible for re-election; Where election by wards.

Settling question of retirement when one or more receive equal number of votes.

(*c*) In case by reason of two or more aldermen receiving an equal number of votes at the first election, the question of the retirement of one or more of them at the end of the first year is not settled by the votes received at such election, the question shall be determined by lots to be cast by the city clerk at the first meeting of the council after the election, and the result shall be entered in the minutes of the council. But any such by law before the final passing thereof, shall receive the assent of the electors of the municipality entitled to vote at the municipal elections.

3 Edw. VII, c. 19, s. 80, subs. 1, amended.

2. Subsection 1 of section 80 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "municipality" in the 23rd line, the words " and no person who on the day of nomination is liable for any arrears of taxes with respect to income business tax or real property.

3 Edw. VII, c. 19, s. 351, amended.

3. Section 351 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "except" in the fourth line the words "subsections 1, 2, and 4 of."

3 Edw. VII, c. 19, s 354, subs. 1, amended.

4. Subsection 1 of section 354 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words "and provided further that he has within fifteen days next preceding the day of polling filed in the office of the clerk of the municipality a statutory declaration stating that his lease meets the above requirements, and the clerk shall insert or otherwise designate the names of such tenants in the Voters' List prepared in accordance with the provisions of section 348 of this Act."

3 Edw. VII, c. 19, amended.

5. *The Consolidated Municipal Act, 1903*, is amended by inserting the following as section 373*a*:—

Council to pass by-law approved of by electors.

373*a*. Where a council has deemed it expedient to submit for the approval of the electors a by-law which does not require such approval and the by-law has been approved by the duly qualified electors, it shall be the duty of the council within six weeks thereafter to pass such by-law.

3 Edw. VII, c 19, s. 591, par. 3, amended.

6. Paragraph 3 of section 591 of *The Consolidated Municipal Act, 1903*, is amended by striking out in the first line thereof, the words "for granting money to aid and assist" and inserting in lieu thereof, the words "for aiding and assisting by a grant of money, land or otherwise."

3 Edw. VII, c. 19, s. 542, par 3*a*, amended.

7. Paragraph 3*a* of section 542 of *The Consolidated Municipal Act, 1903*, is amended by inserting at the begin-

ning thereof the words "for regulating and" and by inserting after the word "light" in the second line the word "heat."

3 Edw. VII, c. 19, s. 606, subs. 1, amended.

8. Subsection 1 of section 606 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "default" in the sixth line the words "if the default from which the damages arose consists of misfeasance or if such default consists of non-feasance and the corporation has had sufficient notice in writing of such latter default to enable it in the ordinary course of its business to remedy the same," and by adding at the end thereof the following words "such notice may be given to the head of the corporation or the clerk thereof or the engineer, pathmaster or other officer of the corporation having supervision over the road, street, bridge, or highway upon or in respect of which such default occurred."

Liability for non-report of highways.

3 Edw. VII, c. 19, s. 674, cl. *a*, amended.

9. Clause *a* of section 674 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words "and the share to be borne by the lands determined to be benefited may be provided for by the issue of debentures on the credit of the corporation at large and assessed upon and charged against such lands as a frontage tax in like manner as in the case of the share of the property owners of other local improvements.

3 Edw. VII, c. 19, s. 677, amended.

10. Section 677 of the said Act is amended by adding after the word "town" wherever it occurs in the said section the word "township."

3 Edw VII, c. 19, s 678, amended.

11. Section 678 of *The Consolidated Municipal Act, 1903*, is amended by inserting the following as subsection 2*b*.

Assessing cost of construction of sewers as local improvement.

2*b*. The preceding subsections of this section shall also apply to the construction of sewers if the corporation has not adopted the local improvement system with respect to sewers.

3 Edw. VII, c. 19, s. 683, amended, exemptions from assessments for local improvements.

12. Section 683 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "worship" in the second line, the words "and land owned by any other municipality."

3 Edw. VII., c. 19, s. 388*a*, amended.

13. Section 388*a* of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "required" in the eleventh line of said section the following words: "to pay and liquidate the cost of, or its share of the cost of any bridge, work or improvement directed to be constructed or performed by the Board of Railway Commissioners for Canada or the Ontario Railway and Municipal Board, or of any work or improvement which in the opinion of the Ontario Railway and Municipal Board has been rendered necessary or expedient by the construction of the bridge work or improvement ordered by either of the said boards, or to raise such sum or sums of money as may be required."

No. 151.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Consolidated Municipal Act.

1st Reading, 10th March, 1909.

Mr. MACDIARMID.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 152 **BILL.** 1909

An Act to amend The Act respecting Statute Labour.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act respecting Statute Labour* is amended by adding thereto the following section:— 4 Edw. VII., c. 25, amended.

Statute Labour roll in unorganized townships.

32*a*.—(1) The Commissioners shall cause a book to be kept in which there shall be entered the name of every person liable for the performance of statute labour or payment of the commutation and the lot or parcel of land in respect of which he is so liable.

Entry of payment or performance.

(2) Upon the performance of statute labour or payment of the commutation entry shall be made thereof in the book in a column provided for that purpose.

Entry of default.

(3) Where any person after six days' notice in writing from the Commissioners does not perform his statute labour the Commissioners shall cause an entry thereof to be made and in the proper column shall enter the amount of such commutation against the name of the person in default.

Form of roll.

(4) The book shall be kept as nearly as may be in the form of a collector's roll for an organized township.

Return of arrears to Sheriff.

(5) On the first day of June in the year following that in which default was made the Commissioners shall make a return to the Sheriff of the District, showing each lot or parcel of land upon which the commutation has not been paid, the name of the owner or locatee, the amount chargeable at the date of the return and the year for which the amount in arrear was imposed.

Sheriff to keep account of arrears.

(6) The Sheriff shall enter the particulars so furnished in a book to be kept by him for that purpose.

Payment of arrears not to be made to commissioners after two years.

(7) The Commissioners shall not receive any payments on account of such arrears after the expiration of two years from the date when the same became due and chargeable, but in the case of payments made within that period the Commissioners shall forthwith notify the sheriff thereof and the Sheriff shall enter such payment against the proper lot or parcel in the book kept by him for that purpose.

After two years all arrears to be paid to Sheriff.

(8) After the expiration of the said period of two years all arrears shall be payable to the Sheriff and the Sheriff shall enter every payment in the book kept by him and shall return the amount paid to the Commissioners.

Arrears to bear interest.

(9) All arrears chargeable under this section shall bear interest at the rate of ten per cent. per annum.

Sale of land by Sheriff for arrears.

(10) Whenever it appears from the entries in the book kept by the Sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the same became payable, the Sheriff shall proceed to collect the same with interest at the rate aforesaid by the sale of the lands in respect of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to tax purchasers shall be the same as nearly as possible as in the case of the sale of lands by the Sheriff for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound.

No. 152.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act respecting Statute Labour.

First Reading, 10th March, 1909.

Mr. MAHAFFY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 153 **BILL.** 1909

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Surrogate Courts Act* is amended by adding thereto the following sections after section 18 thereof:— Rev. Stat. c. 59 amended.

Notice of contestation of claim against estate.

18*a*. Whenever any account, claim or demand is made against the estate of a deceased person, which in the opinion of the personal representatives of the said estate is unjust in whole or in part the said personal representatives may at any time before payment thereof give notice of contestation thereof by serving the claimant with a notice in writing of such contestation, stating whether the claim is disputed in whole or in part; and also referring to this section;

Application to Judge for order allowing claim.

18*b*. The claimant whose claim is contested may apply to the Judge of the Surrogate Court out of which Letters Probate or Letters of Administration to the said estate have issued for an order allowing his claim and determining the amount; and if he does not make such application within twenty days after receiving notice of the contestation or within such further time, if any, as the said Surrogate Judge may allow, he shall be taken to have abandoned his claim.

Judge to determine claim in summary manner.

18*c*. The Judge may determine any question in dispute in a summary manner or may direct an action to be brought or an issue to be tried with or without a jury in any court and in any county for the determination thereof and may make such order as to the cost of proceedings as he may deem just.

Where amount in dispute exceeds $500.

18*d*. Where the sum in controversy appears to be over five hundred dollars exclusive of costs the Judge shall direct that the action be brought or the issue tried in the High Court and, subject to any order which the High Court or the Judge thereof may make in that behalf, shall name the county in which the trial is to take place.

Trial of issue.

(18*e*: Where an issue is directed the trial shall take place and all proceedings subsequent thereto shall be the same as if it had been an action in the court in which it is ordered to be tried.

Procedure.

18*f*. The same proceedings may be had for the production of documents and for the examination of parties or others either before or at the trial as may be taken in an ordinary action.

Entry of judgments on contestations.

18*h*. In all contestations disposed of summarily by the Surrogate Judge he may direct his judgment to be entered in the County Court of the county in which the proceedings are instituted, and the same proceedings may be had upon the said judgment as if the case had proceeded to judgment in the said County Court.

Fees of Judge.

18*i*. The fees payable to the Surrogate Judge in respect of the said matters shall be the same as are allowed on an audit in an estate of like value.

Rev. Stat. c. 129, s. 35 repealed.

2. Section 35 of *The Trustee Act*, is hereby repealed.

No. 153.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Surrogate Courts Act.

First Reading, 10th March, 1909

Mr. MacKay (Grey)

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 153 **BILL.** 1909

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Surrogate Courts Act* is amended by adding thereto the following section after section 18: Rev. Stat. c. 59 amended.

Notice of contestation of claim against estate.

18*a*.—(1) Where a claim or demand is made against the estate of a deceased person which, in the opinion of his personal representative is unjust, in whole or in part, such personal representative may, at any time before payment, serve the claimant with a notice in writing that he contests the same in whole or in part, and if in part stating what part and also referring to this section.

Application to Judge for order allowing claim.

(2) The claimant may thereupon apply to the Judge of the Surrogate Court out of which the letters of probate or lettters of administration to the estate issued for an order allowing his claim and determining the amount thereof, and if he does not make such application within thirty days after receiving the notice, or within such further time as the Judge may allow, he shall be deemed to have abandoned his claim, and the same, or so much thereof as is contested, shall be forever barred.

Notice of application to be given to personal representative and others.

(3) Notice of the application shall be given to the personal representative, to such of the persons beneficially interested in the estate as the Judge may direct and, if infants are interested therein, to the Official Guardian, and they or any of them and any other person beneficially interested in the estate shall have the right to be heard and to take part in the proceedings, and, where an appeal lies, to appeal from any order that may be made.

Judge may deal with claim as on

(4) The Judge shall have the same power and authority as if the claim of the creditor were a claim made under a

a reference to a Master or Referee.

reference to a Master, Local Master or Official Referee in an administration action or under an administration order, and his order, if the amount of the claim or the part of it which is contested exceeds $200, shall be subject to appeal as provided by section 36, and the order upon being filed with the County Court of the County shall, irrespective of the amount, become and may be enforced in like manner as a judgment of that Court.

Where claim is $500 or more leave may be granted to bring an action.

(5) Where the claim or the part of it which is contested amounts to $500 or more, instead of proceeding as provided by this section, the Judge may give leave to the creditor to bring an action for the recovery of his claim on such terms and conditions as the Judge may deem just.

Fees of Judge and Registrar.

(6) The fees payable to the Judge and to the Registrar shall be the same as are allowed on an audit in an estate of a value equal to the amount of the claim or so much thereof as is contested.

Administration not to be granted to non-resident.

(7) Letters of administration shall not be granted to a person not resident in Ontario.

Probate or letters ancillary to persons not residing in British Dominions.

(8) Letters probate or letters ancillary shall not be granted to a person not resident in Ontario or elsewhere in British Dominions, unless such person shall have given the like security as is required from an administrator in case of intestacy unless, in the opinion of the Judge, such security should, under special circumstances, be dispensed with or be reduced in amount.

The Trustee Act, s. 35 repealed.

(9) Section 35 of *The Trustee Act* is hereby repealed.

No. 153.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Surrogate Courts Act.

First Reading, 10th March, 1909

(Reprinted by Order of the Legal Committee).

Mr. MacKay (Grey)

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No 154 **BILL.** 1909

An Act to amend The Consolidated Municipal Act, 1903.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 73 of *The Consolidated Municipal Act, 1903*, is amended by inserting before the first word thereof the words "Subject to the provisions of section 73*a*." 3 Edw. VII., c. 19, sec. 73 amended.

73*a*.—(1) At any time hereafter the council of any township may by by-law provide for the division of the township into wards and at the annual municipal election held next after the passage of said by-law and thereafter on each annual election so long as the said by-law shall remain in force one councillor shall be elected by the electors of each ward. Division of township into wards.

(2) The reeve and deputy-reeve or deputy-reeves, where the township is entitled to return a deputy-reeve or deputy-reeves to the County council, of every township shall continue to be elected by general vote.

(3) No by-law shall be passed under this section by the council of any township nor shall any by-law repealing the same be so passed until it shall have been submitted to the electors of the said township at an annual municipal election and shall have received the assent of a majority of electors voting thereon.

No. 154.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

First Reading, 10th March, 1909.

Mr. MacKay, (Grey).

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 155 1909

BILL.

An Act to improve, and make certain, Tax Titles.

Preamble.

WHEREAS it is desirable that the doubt and uncertainty now incident to tax titles should be removed, and that they should be made certain and secure, and that provision should be made for the protection of the owners of property whose lands may be sold without their knowledge;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

"Master of Titles," meaning to.

1. The term, Master of Titles, shall include the Local Master of Titles, and, where no local Master of Titles shall have been appointed for any Registration Division of Ontario, shall mean the Master of Titles at Toronto, or any person duly substituted for him by the Lieutenant-Governor in Council.

Procedure to obtain title to lands sold for taxes.

4 Edw. VII., c. 23.

2. Notwithstanding anything contained in *The Assessment Act* and amendments thereof, the procedure in respect of obtaining title to land sold for taxes, shall in all cases in which land has been or may be sold on or after the first day of July, 1909, be as follows:—

Treasurer to forward return of unredeemed lands to Master.

3. If the land be not redeemed within the period of one year from the date of sale as allowed by said *Assessment Act* and amendments, the Treasurer of the municipality shall forthwith after the expiration of said year forward to the proper Master of Titles a return certified under his hand and official seal showing all lands which were sold, the amount of taxes paid by the tax purchaser since the sale and prior to the expiration of said year, and such other information as the Master of Titles may require.

Tax deeds abolished.

4. No tax deed shall be issued by any municipality or the officers thereof, but title to land by virtue of a tax sale may be procured only in the manner hereinafter provided.

Application for title to land sold for taxes.

5. Any tax purchaser desiring to secure title to land purchased at a tax sale, whether the sale took place before or after the passing of this Act, may make application therefor to the proper Master of Titles at any time within one year after the date of the expiration of the year for redemption, and such application shall in all respects be deemed to be and shall be dealt with by the Master of Titles as an application to bring land under *Land Titles Act*, or for a transmission under said Act, as the case may be; if the tax purchaser who buys after the passing of this Act fails to make his application within one year as aforesaid he shall forfeit all claim as tax purchaser to said land, or to such part thereof as may not be applied for, as well as to the amount paid thereon at the time of the sale or for subsequent taxes, and said land or such part thereof as aforesaid, shall thereupon cease to be affected by said sale as if it had been duly redeemed; Provided that the approval of the Inspector of Titles shall not be necessary in cases under this Act, and the provisions of section 166 of *The Land Titles Act* shall not be applicable thereto.

Rev. Stat. c. 138.

Proviso.

Redemption of lands after return to Master.

6. Any person having an interest in any parcel of land included in the return referred to in section 3 hereof, or any person on his behalf, may at any time before or after such application is made, or at any time before the issue of a certificate of title pursuant to the tax sale in question, redeem such parcel of land, or any separate part thereof in which he may be interested, by paying to the Master of Titles the amount regularly paid by the tax sale purchaser together with a bonus of *ten* per cent. thereon and any subsequent taxes paid by him on the said lands together with a bonus of *ten* per cent. thereon.

Entry of redemption in register.

7. The Master of Titles shall enter in a register a memorandum indicating the redemption of such land or parcel thereof, and such land or parcel shall accordingly stand redeemed from the time of such payment, and the Master of Titles shall forward to the Treasurer of the municipality a notice stating that such land or parcel thereof has been redeemed, and the Treasurer or the Master of Titles, as the case may be, shall thereafter upon demand repay to the tax purchaser or his assign any moneys which have been paid into the tax sales fund by such tax purchaser or his assign in connection with the sale in question.

Deduction of Master's fees from money paid in.

8. The Master of Titles shall deduct from the payment so made to him any fees due him, and forthwith cause to be paid the balance to the tax purchaser or the assignee of the tax sale certificate: and while said moneys or any portion thereof remain in the hands of the Master of Titles they shall not be subject to attachment or garnishee proceedings issued out of any Court in this Province; and no

payment over of any redemption money shall be authorized by the Master of Titles unless and until the original certificate of purchase shall have been surrendered to the Master of Titles: provided that in case of the loss of any such certificate the redemption money may be paid over on security being given satisfactory to the Master of Titles.

When certificate of title to issue.

9. After the expiration of six months from the day of service of the last notice required to be served by or on behalf of the applicant, in cases where notice has been directed to be served, and in other cases after the expiration of six months from the filing of the application, if the land be not redeemed, the Master of Titles, upon being satisfied that the purchaser has paid his purchase money in full for the lands comprised in the application, or any parcel thereof, shall issue a certificate of title under *The Land Titles Act* to the applicant for such land or parcel thereof, and such certificate of title shall in every respect have the same effect as, and be considered to be a certificate of an absolute title issued under *The Land Titles Act;* and thereafter no person except the tax purchaser or those claiming through or under him shall be deemed to be rightly entitled to the land included in such certificate of title or to any part thereof or to any interest therein or lien thereon, whose rights in respect thereof accrued or commenced to accrue prior to the issue of such certificate of title; and in any application for compensation out of the Assurance Funds by any such person, claiming to have been rightly entitled prior to the issue of such certificate of title, and who has not been served with notice under this Act or *The Land Titles' Act* of the application for a certificate of title, it shall be incumbent upon such person to prove that the land was improperly sold for taxes and that such tax sale as regards such land was, or should be declared to be, void. No application shall be made against the Assurance Fund unless brought within two years after the issue of the certificate to the tax purchaser.

Rev. Stat. c. 138.

Application compensation out of Assurance Fund.

Master need not enquire as to regularity of tax sale.

10. The Master of Titles shall not be obliged to ascertain or inquire into the regularity of the tax sale proceedings or any proceedings prior to or having relation to the assessment of the land.

Return to be Master's authority to deal with lands.

11. The return which is above provided to be furnished to the Master of Titles by the Treasurer of the municipality shall be, in all cases, sufficient authority to justify the Master of Titles in taking proceedings as above provided in this Act: and the Master of Titles shall be bound in all cases to proceed as above provided, unless it shall be shown to his satisfaction that the land in respect of which the application is made for a certificate of title was not liable to imposition of any portion of the taxes for which the same was sold, or that all such taxes have been paid.

Assignment of interest by municipality.

12. At any time after a municipality has filed an application for title under this section, and before a certificate of title shall have issued thereunder, the municipality may assign its interest as tax purchaser to any person who claims to have some substantial interest in the land; and upon the filing of such assignment with the Master of Titles, he shall, if in his judgment such assignee had some substantial interest, proceed with the application as if such assignee had been the original applicant.

Application for tit e by municipality.

13. In all cases in which a municipality is the tax purchaser the municipality may apply for a certificate of title under this Act, and may include in one application any number of parcels according to the same survey or plan; provided said parcels do not exceed in area two thousand acres.

Fees on application.

14. In all cases of applications by a tax purchaser for title to land sold for taxes in which the value of the land in the application does not exceed the sum of one hundred dollars, the fee payable to the Master of Titles on such application shall not exceed $2.50 for each separate lot or part of a lot so sold included in the application, in addition to his disbursements.

When lands sold are not in Land Titles registration division.

15. In the case of land which does not form part of any Land Titles registration division the proceedings provided for in this section shall be taken before the Master of Titles at Toronto.

Where municipality lies in more than one Land Titles District.

16. When a municipality does not lie wholly within one Land Titles district the Treasurer shall forward to the Master of Titles of each district within which the municipality lies, a return covering only the lands sold within each district: if the municipality lies partly within one or more Land Titles districts and partly within a registration division not yet brought into any Land Titles district, he shall forward to the proper Master of Titles a return covering only the lands sold in his district and to the Master of Titles at Toronto a return covering the balance of land so sold; if the municipality lies wholly within a registration division not yet brought into any Land Titles district he shall forward the return to the Master of Titles at Toronto. The Master of Titles at Toronto may from time to time, as he thinks fit, apportion the work in respect of Titles not within the City of Toronto, in the County of York, to the Master of Titles whose district lies nearest to the lands sold.

Payment of arrears by tax-purchaser.

17. After the expiration of one year from the date of sale the tax purchaser may pay to the Master of Titles any arrears of taxes due on the land upon furnishing to the

Master of Titles a statement of the Treasurer of the municipality, in which the land is situate, showing the amount of such arrears, and before a certificate of title shall issue under the application of such tax purchaser, either to the tax purchaser or to the person found entitled after redemption, it shall be the duty of the Master of Titles to collect all such arrears and, when collected, to cause the same to be forwarded to the Treasurer of the municipality entitled thereto.

After one year from day of sale purchaser to be prima facie owner.

18. Upon the expiration of one year from the day of sale and thereafter, unless and until the land is redeemed, the tax purchaser or his assigns shall in all suits or proceedings wherein such tax sale is questioned, be *prima facie* deemed to be the owner of the land. And upon the expiration of said period of one year the Treasurer's return to the Master of Titles hereinbefore provided for shall in any proceedings in any Court in this Province and for the purpose of proving title under *The Land Titles Act* be, except as hereinafter provided, conclusive evidence of the validity of the assessment of the land, levy of the rate, the sale of the land for taxes and all other proceedings leading up to such sale and that the land was not redeemed at the said period of one year and, notwithstanding any defect in such assessment, levy, sale or other proceedings, no such tax sale shall be annulled or set aside except upon the following grounds and no other: That the sale was not conducted in a fair and open manner, or that the taxes for the year or years for which the land was sold had been paid, or that the land was not liable to taxation for the year or years for which it was sold. Provided that this section shall not affect pending litigation.

Rev. Stat. c. 188.

"Tax purchaser," meaning of.

19. The expression, "tax purchaser," in the last preceding section shall mean any person who purchases land at a tax sale and shall include a municipality, and the assignee of such tax purchaser or municipality.

When notice of application not required.

20. When the assessed value at the time of sale of any property sold for taxes by any municipality does not exceed fifty dollars no notice of the application for a certificate of title shall be required to be given to any person and the total fees to be paid to the Master of Titles upon such application and for such certificate of title shall not exceed the sum of $2.50 and the certificate of title for such land may be issued at the expiration of three months from the time of such application being received.

What to be considered by Master on application.

21. In cases of application made under the Act for a certificate of title the Master of Titles shall not take any notice of any irregularity in the tax sale, or inquire into the regularity of the tax sale proceedings, but a certificate from the

Treasurer of the municipality shall be furnished showing the years for which there were taxes due and in arrear for which the land was sold at such sale, and the Master of Titles shall satisfy himself that such sale was fairly and openly conducted, and he shall cause to be served on all persons appearing to be interested in lands, a notice to contest the claim of tax purchaser, or to redeem, and in default of a caveat or *lis pendens* being filed or in default of redemption, before the registration as owner of the person entitled under such tax sale, all persons so served with notice shall be debarred from setting up any claim, and the Master of Titles shall register the person entitled under such tax sale as the owner of the land so sold for taxes.

When notice may be dispensed with.

22. If the land be of less value than $200, notice may be dispensed with, but a certificate of title is not to issue until six months after the date of filing application.

Substitutional service.

23. The Master of Titles in a proper case may order that notices under this Act may be served substitutionally and such substitutional service shall have the same effect as personal service of the notice or proceeding upon the person intended to be affected thereby.

Payment into Court of moneys payable to Master.

24. All moneys payable to the Master of Titles under this Act shall be paid to him by payment into Court to credit of the proper fund in the same manner as payments to the Guarantee Fund are now made and such moneys shall be paid out under the directions of the Master in pursuance of Rules or Orders to be established in that behalf, and till such Rules or Orders are established, payment out shall be made in pursuance of the present practice of the High Court.

Title of registered owner to be absolute.

25. The owner on registry shall be deemed the true owner of lands sold for taxes and no person having an unregistered interest shall have any *locus standi* in any Court in Ontario in respect of lands dealt with pursuant to this Act.

Repeal of inconsistent enactments.

26. All provisions in any Act inconsistent herewith are hereby repealed.

No. 155.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to improve, and make certain, Tax Titles.

First Reading, 10th March, 1909.

Mr. McPherson.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 156 **BILL.** 1909

An Act to repeal the Act respecting Boards of Education in certain Cities, and to provide for the Election and Appointment of a Public School Board, High School Board and Technical School Board respectively.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

3 Edw. VII., c. 31, repealed.

1. The Act passed in the third year of His Majesty's reign, Chaptered 31, and intituled *An Act respecting Boards of Education in certain Cities* is hereby repealed.

Election of Public School Board.

Appointment of High School and Technical School Boards.

2. The members of a Board of Education in any city of one hundred thousand inhabitants or more, elected or appointed under the said Act, shall cease to hold office on the 31st day of December, 1909, and for the year 1910, and thereafter a Public School Board, consisting of two trustees from each ward of the city in accordance with subsections 1, 2 and 3 of section 58 of the *Public Schools Act*, shall be elected by ballot on the day of the municipal elections under the provisions of the said *Public Schools Act;* a High School Board shall be appointed, in accordance with the *High Schools Act*, consisting of nine members (seven of whom shall be appointed by the Municipal Council) and a Technical School Board may be appointed by the Council, pursuant to the provisions of *The Municipal Act* in that behalf.

Division of property on dissolution of Board.

3. Upon the election and appointment respectively of the said Public School Board and High School Board all property held or possessed by the Board of Education for high school purposes shall vest in the said High School Board and all property held or possessed by the Board of Education for public school purposes shall vest in the said Pub-

lic School Board and all property held or possessed by the said Board of Education for technical School purposes shall vest in the corporation of such city, and all debts, contracts and agreements of the Board of Education shall become obligations of the said High School Board, Public School Board, and city, so far as they respectively relate to high school, public school or technical school purposes.

No. 156

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to repeal the Act respecting Boards of Education in certain Cities, and to provide for the Election and Appointment of a Public School Board, High School Board and Technical School Board respectively.

First Reading, 10th March, 1909.

Mr. McPherson.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 157 **BILL.** 1909

An Act to amend an Act passed in the 7th Year of His Majesty's Reign, Chaptered 19, intituled "An Act to provide for the transmission of Electrical Power to Municipalities," to validate certain contracts entered into with the Hydro-Electric Power Commission of Ontario, and for other purposes.

Preamble.

WHEREAS by Acts passed in the 6th and 7th years of His Majesty's Reign, Chaptered 15 and 19 respectively, and each intituled *An Act to provide for the transmission of Electrical Power to Municipalities*, it is amongst other things provided that under certain conditions and subject to certain provisions therein set forth a contract may be entered into and executed by the Hydro-Electric Power Commission of Ontario and any Municipal Corporation for the purposes mentioned in the said recited Acts; and whereas in intended pursuance of the said recited Acts a contract in the form set out in Schedule "A" to this Act has been executed by all the Corporations mentioned therein except the Corporations of Hamilton, Brantford, and Galt; and whereas the Municipal Council of the Corporation of Galt has approved of and has authorized the execution of the said contract by said Corporation; and whereas as appears by the said contract, it was contemplated that the Corporations of Hamilton and Brantford would also execute it, but they have not yet done so; and whereas owing to unforeseen causes it has become impossible to supply power by the 19th day of December, 1909, as provided in the said contract; and whereas doubts have been raised as to the validity and binding character of the said contract and as to the authority of the Councils of the said Corporations to authorize and direct the execution of the said contract and to bind the said Corporations thereby; and whereas the Corporations which have executed the said contract and the said Corporation of Galt, although it has not executed the said contract, are desirous that they shall have the bene-

fits of the provisions of the said recited Acts and of the said contract made available to them without delay and that their enjoyment of such benefits should not be postponed by unnecessary and vexatious litigation; and whereas the Corporation of Stratford and the Corporation of Hespeler have applied to vary the Schedule to the said contract as hereinafter set forth; and whereas the Corporation of Ingersoll has applied to be added as parties to the said contract; and whereas it is expedient to remove such doubts and to validate the said contract as varied in the manner hereinafter provided:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Power Commission Amendment Act, 1909.*

Contract varied.

2. The contract mentioned in the preamble to this Act and set out in the Schedule hereto shall be and the same is hereby varied,—

(*a*) By striking out the words "Hamilton" and "Brantford," and all words and figures relating thereto;

(*b*) By striking out paragraph 16 thereof;

(*c*) By adding the Corporation of the Town of Ingersoll as one of the parties of the second part, and inserting in the said Schedule the word "Ingersoll" in column 1, and in columns 2, 5, 6 and 7 respectively opposite that word the figures "500, $24, $69,485, $3,270";

(*d*) By substituting opposite the word "Stratford" in said Schedule, for the figures in columns 2, 5, 6 and 7, the following figures, "1,000, $27.10, $173,580, $8,120"; by substituting opposite the word "Hespeler" in said column 1 of said Schedule the figures "300" for "400," and by substituting for the words and figures "19th day of December, 1909," in clause (*b*) of paragraph one of the said contract the words and figures "19th day of March, 1910."

Contract as varied to be binding on certain municipal corporations.

3. The said contract as so varied shall be and the same is hereby declared to be valid and binding according to the terms thereof upon the Corporation of the City of Toronto, the Corporation of the City of London, the Corporation of the City of Guelph, the Corporation of the City of Stratford, the Corporation of the City of St. Thomas, the Corporation of the City of Woodstock, the Corporation of the

Town of Berlin, the Corporation of the Town of Galt, the Corporation of the Village of Hespeler, the Corporation of the Town of St. Marv's, the Corporation of the Town of Preston, the Corporation of the Town of Waterloo, the Corporation of the Village of New Hamburg, and the Corporation of the Town of Ingersoll.

Contract as varied confirmed.

4. It is hereby further declared and enacted that the validity of the said contract as so varied as aforesaid shall not be open to question and shall not be called in question on any ground whatever in any Court, but shall be held and adjudged to be valid and binding on all the corporations mentioned in section 3, and each and every of them according to the terms thereof as so varied as aforesaid and shall be given effect to accordingly.

Contract to be deemed to have been executed by town of Galt.

5. The said contract as so varied as aforesaid shall be treated and conclusively deemed to have been executed by the said Corporation of the Town of Galt.

Contract to be deemed to be a contract executed in corporations named.

6. The said contract as so varied as aforesaid shall be conclusively deemed to be a contract executed by the Corporations mentioned in section 3, within the meaning of the said recited Acts, and the Commission therein named may carry out and execute the same and shall have power and authority to do all acts necessary for that purpose, and it shall not be necessary that the said contract as so varied as aforesaid be approved of by the Lieutenant-Governor in Council.

Corporations to be deemed to have contracted with Commission.

7. The Corporations mentioned in section 3, and each and every of them shall be conclusively deemed to have entered into a contract with the Commission within the meaning of the said recited Acts, and to have and to be entitled to exercise all the powers mentioned in the said Acts, which are thereby conferred upon a Corporation which has entered into such a contract.

Pending action stayed.

8. Every action which has been heretofore brought and is now pending wherein the validity of the said contract or any by-law passed or purporting to have been passed authorizing the execution thereof by any of the Corporations hereinbefore mentioned is attacked or called in question, or calling in question the jurisdiction, power or authority of any Municipal Corporation or of the Councils thereof or of any or either of them to exercise any power or to do any of the acts which the said recited Acts authorize to be exercised or done by a Municipal Corporation or by the Council thereof, by whomsoever such action is brought shall be and the same is hereby forever stayed.

7 Edw. VII., c. 19, s. 25, subs. 1, amended.

9. Subsection 1 of section 25 of *The Power Commission Act* is amended by striking out of the fourth and fifth

lines thereof, the words "Section 8 of Chapter 3 of The Revised Statutes of Ontario, 1897," and substituting therefor the words "Section 7 of *The Interpretation Act.*"

8 Edw. VII., c. 22, short title.

10. The Act passed in the 8th year of His Majesty's reign, Chaptered 22, intituled *An Act to validate certain By-laws passed and contracts made pursuant to An Act to provide for the transmission of Electrical Power to Municipalities*, may be cited as *The power Commission Amendment Act, 1908.*

SCHEDULE "A."

This Indenture, made the 4th day of May, 1908, between The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor in Council, (hereinafter called the Commission), party of the First Part, and The Municipal Corporations of Toronto, Hamilton, London, Brantford, Guelph, Stratford, St. Thomas, Woodstock, Berlin, Galt, Hespeler, St. Marys, Preston, Waterloo and New Hamburg, (hereinafter called the Corporations), party of the Second Part.

Whereas, pursuant to *An Act to Provide for Transmission of Electrical Power to Municipalities*, the Corporations applied to the Commission to transmit and supply such power from Niagara Falls, and the Commission entered into contracts, hereto attached, with the Ontario Power Company of Niagara Falls, (hereinafter called the Company), for such power at the prices set forth in the schedule hereto attached, and the Commission furnished the Corporations with estimates, as shown in said schedule, of the total cost of such power, ready for distribution within the limits of the Corporations, and the electors of the Corporations assented to by-laws authorizing the Corporations to enter into a contract with the Commission for such power, and the Commission have estimated the line loss and the cost to construct, operate, maintain, repair, renew and insure a line to transmit, nominally, 30,000 horse power with total capacity of 60,000 horse power of such power to the Corporations, and have apportioned the part of such cost to be paid by each Corporation as shown in said schedule;

Now, therefore, this Indenture witnesseth that in consideration of the premises and of the agreements of the Corporations herein set forth, subject to the provisions of said Act and of the said contracts, the Commission agrees with the Corporations respectively:—

1.—(*a*) To construct a line to transmit the quantities of electric power shown in column 2 of the said schedule from Niagara Falls to the Corporations shown in column 1, respectively.

(*b*) On the 19th day of December, 1909, to supply said power in quantities set forth in column 2 of said schedule, or as a minimum 40 per cent. less, if written notice of minimum required is given on or before 19th July, 1909, to the Corporations within the limits thereof, ready for distribution at approximately the number of volts set forth in column 4 of said schedule, and approximately 25 cycles per second frequency.

(*c*) At the expiration of three months' written notice, which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 30,000 horse power.

(*d*) At the expiration of nine months' like notice which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 100,000 horse power.

(*e*) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporations.

In consideration of the premises and of the agreements herein set forth each of the Corporations for itself, and not one for the other, agrees with the Commission:—

2.—(*a*) Subject to the provisions of paragraph 2 (*g*), hereof, to pay the Commission for the quantities of power shown in column 2 of said schedule, or 40 per cent. less as a minimum, to be supplied at said date, and for such additional power supplied or held in reserve upon such notices, the price set forth in column 3 of said schedule in twelve monthly payments, in gold coin of the present standard of weight and fineness, and bills shall be rendered by the Commission on or before the fourth and paid by the Corporations on or before the fifteenth of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of such power to the Corporation in default until said bill is paid. No such discontinuance shall relieve the Corporation in default from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(*b*) To take electric power exclusively from the Commission during the continuance of this agreement; provided, if the Commission is unable to supply said power as quickly as required, the Corporations may obtain the supply otherwise until the Commission has provided such supply, thereupon the Corporations shall immediately take from the Commission; and the Corporations may generate, store or accumulate electric power for emergencies, or to keep down the peak load of the power taken from the Commission; and nothing herein contained shall affect existing contracts between the Corporations and other parties for a supply of electric power, but the Corporations shall determine said contracts at the earliest date possible.

(*c*) To pay, annually, interest at four per cent. per annum upon its proportionate part of the moneys expended by the Commission on capital account for the construction of the said line, transformer stations and other necessary works shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10.

(*d*) To pay an annual sum for its proportionate part of the cost of the construction of said line, stations and works, shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10, so as to form in thirty years a sinking fund for the retirement of the securities to be issued by the Province of Ontario.

(*e*) To bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said line, stations and works, shown, respectively, in column 7 of said schedule, subject to adjustment under paragraph 10.

(*f*) To keep, observe and perform the covenants, provisoes and conditions set forth in said contracts, intended by the Commission and the Company to be kept and observed and performed by the Corporations.

(*g*) To pay for three-fourths of the power supplied and held in reserve at said date and upon said notices, whether the said power is taken or not, and when the greatest amount of power taken for twenty consecutive minutes in any month shall exceed three-fourths of the amount during such twenty consecutive minutes, so supplied and held in reserve, to pay for this greater amount during

that entire month. When the power factor of the greatest amount of power taken for said twenty minutes falls below 90 per cent., the Corporations shall pay for 90 per cent. of said power divided by the power factor.

(*h*) To take no more power than the amount to be supplied and held in reserve at said date and upon said notices.

(*i*) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(*j*) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the Company.

3. If, as therein provided, the said contracts are continued until 19th December, 1939, this agreement shall remain in force until that date.

4. Said power shall be three phase, alternating, commercially continuous twenty-four hour power every day of the year except as provided in paragraph 6 hereof, and shall be measured by curve-drawing meters, subject to test as to accuracy by either party hereto.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Coorprations and take records at all reasonable times on giving to the Corporations six hours' notice of the intention to make such inspection. The Corporations shall have a like right on giving a like notice to inspect the apparatus, plant and property of the Commission.

6. In case the Commission or the Company shall at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporations shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time and the Corporations shall not be bound to pay the price of said power at Niagara Falls during such time, but the Corporations shall continue to make all other payments, but as soon as the cause of such interruption is removed the Commission shall without any delay supply said power as aforesaid and the Corporations shall take the same and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporations as liquidated and ascertained damages, and not by way of penalty, as follows: For any interruption less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more, the amount payable for the power which should have been supplied during the time of such interruption and twelve times the last mentioned amount in addition thereto, and all moneys payable under this paragraph when the amount thereof is settled between the Commission and the Company may be deducted from any moneys payable by the Corporations to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

6. The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Cor-

porations, their agents, customers, apparatus, appliances and circuits.

9. In case any municipal corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Company shall suffer damages by the act or neglect of the Company, and such municipal corporation, person, firm or corporation would, if the Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceeding or bring such action for or on behalf of such municipal corporation, person, firm, or corporation, and notwithstanding any acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such municipal corporation, person, firm or corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceeding or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

10. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining repairing, renewing and insuring the line and works.

11. If at any time, any other municipal corporation, or pursuant to said Act, any railway or distributing company or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporations, parties hereto, in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the prices to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporations, parties hereto, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporations, parties hereto, will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof.

12. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

13. Each of the Corporations agrees with the other:—

(*a*) To take electric power exclusively from the Commission during the continuance of this agreement, subject to the provisoes above set forth in paragraph 2 (*b*).

(*b*) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

14. If differences arise between the Corporations the Commission may upon application fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters.*

15. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

16. Notwithstanding anything hereinbefore contained this agreement shall not come into operation as against the Commission or be binding upon the Commission until, in addition to any other orders-in-council, pursuant to said Act, an order-in-council has been passed and approved by the Lieutenant-Governor in Council expressly declaring that this agreement shall from the date of such order-in-council be binding upon the Commission.

In witness whereof the Commission and the Corporations have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

Commissioners.

SCHEDULE B

Column 1.	2.	3.	4.	5.	6.	7.
Name of Municipal Corporation.	Quantity of power applied for in H.P.	Maximum price of power at Niagara Falls.	No. of volts.	Estimate maximum cost of power ready for distribution in municipality.	Estimate proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.	Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.
Toronto.....	10,000	$9.40 for power at 12,000 volts until 25,000 H.P. or more are taken, then $9.00 for all. $10.40 for power at 60,000 volts until 25,000 H.P. or more are taken, then $10.00 for all. If power taken at higher voltage, price to be fixed by arbitration.	Number required by each Corporation.	$18.10	$828,080	$38,970
Hamilton.....	1,500			17.50	115,650	5,442
London.....	5,000			23.50	671,080	31,578
Brantford	1,500			21.50	172,770	8,134
Guelph.....	2,500			24.00	347,420	16,350
Stratford.....	1,500			24.50	215,600	10,146
St. Thomas....	1,500			26.50	244,140	11,490
Woodstock....	1,200			23.00	155,350	7,310
Berlin.....	1,000			24.00	138,970	6,540
Galt.....	1,200			22.00	143,920	6,773
Hespeler.....	400			26.00	63,200	2,974
St. Mary's....	500			29.50	95,677	4,502
Preston.....	600			23.50	80,530	3,789
Waterloo	685			24.50	98,460	4,630
New Hamburg.	250			29.50	47,830	2,251

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend an Act passed in the 7th Year of His Majesty's Reign, Chaptered 19, intitutled "An Act to provide for the transmission of Electrical Power to Municipalities," to validate certain contracts entered into with the Hydro-Electric Power Commission of Ontario, and for other purposes.

First Reading, 11th March, 1909.

Sir JAMES P. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 157 **BILL.** 1909

An Act to amend an Act passed in the 7th Year of His Majesty's Reign, Chaptered 19, intituled "An Act to provide for the transmission of Electrical Power to Municipalities," to validate certain contracts entered into with the Hydro-Electric Power Commission of Ontario, and for other purposes.

WHEREAS by Acts passed in the 6th and 7th years of His Majesty's Reign, Chaptered 15 and 19 respectively, and each intituled *An Act to provide for the transmission of Electrical Power to Municipalities*, it is amongst other things provided that under certain conditions and subject to certain provisions therein set forth a contract may be entered into and executed by the Hydro-Electric Power Commission of Ontario and any Municipal Corporation for the purposes mentioned in the said recited Acts; and whereas in intended pursuance of the said recited Acts a contract in the form set out in Schedule "A" to this Act has been executed by all the Corporations mentioned therein except the Corporations of Hamilton, Brantford, and Galt; and whereas the Municipal Council of the Corporation of Galt has approved of and has authorized the execution of the said contract by said Corporation; and whereas as appears by the said contract, it was contemplated that the Corporations of Hamilton and Brantford would also execute it, but they have not yet done so; and whereas owing to unforeseen causes it has become impossible to supply power by the 19th day of December, 1909, as provided in the said contract: and whereas doubts have been raised as to the validity and binding character of the said contract and as to the authority of the Councils of the said Corporations to authorize and direct the execution of the said contract and to bind the said Corporations thereby: and whereas the Corporations which have executed the said contract and the said Corporation of Galt, although it has not executed the said contract, are desirous that they shall have the bene- Preamble.

fits of the provisions of the said recited Acts and of the said contract made available to them without delay and that their enjoyment of such benefits should not be postponed by unnecessary and vexatious litigation; and whereas the Corporation of Stratford and the Corporation of Hespeler have applied to vary the Schedule to the said contract as hereinafter set forth; and whereas the Corporation of Ingersoll has applied to be added as parties to the said contract; and whereas it is expedient to remove such doubts and to validate the said contract as varied in the manner hereinafter provided:

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Power Commission Amendment Act, 1909.*

Contract varied.

2. The contract mentioned in the preamble to this Act and set out in the Schedule hereto shall be and the same is hereby varied,—

(*a*) By striking out the words "Hamilton" and "Brantford," and all words and figures relating thereto;

(*b*) By striking out paragraph 16 thereof;

(*c*) By adding the Corporation of the Town of Ingersoll as one of the parties of the second part, and inserting in the said Schedule the word "Ingersoll" in column 1, and in columns 2, 5, 6 and 7 respectively opposite that word the figures "500, $24, $69,485, $3,270";

(*d*) By substituting opposite the word "Stratford" in said Schedule, for the figures in columns 2, 5, 6 and 7, the following figures, "1,000, $27.10, $173,580, $8,120"; by substituting opposite the word "Hespeler" in said column 1 of said Schedule the figures "300" for "400," and by substituting for the words and figures "19th day of December, 1909," in clause (*b*) of paragraph one of the said contract the words and figures "19th day of march, 1910"; *and*

(*e*) By adding to paragraph 11 the following words, "no power shall be supplied by any municipal corporation to any railway or distributing company, or any other corporation or person without the written consent of the Commission."

3. The said contract as so varied shall be and the same is hereby declared to be valid and binding according to the terms thereof upon the Corporation of the City of Toronto, the Corporation of the City of London, the Corporation of the City of Guelph, the Corporation of the City of Stratford, the Corporation of the City of St. Thomas, the Corporation of the City of Woodstock, the Corporation of the Town of Berlin, the Corporation of the Town of Galt, the Corporation of the Village of Hespeler, the Corporation of the Town of St. Marv's, the Corporation of the Town of Preston, the Corporation of the Town of Waterloo, the Corporation of the Village of New Hamburg, and the Corporation of the Town of Ingersoll. Contract as varied to be binding on certain municipal corporations.

4. It is hereby further declared and enacted that the validity of the said contract as so varied as aforesaid shall not be open to question and shall not be called in question on anv ground whatever in anv Court, but shall be held and adjudged to be valid and binding on all the corporations mentioned in section 3, and each and every of them according to the terms thereof as so varied as aforesaid and shall be given effect to accordingly. Contract as varied confirmed.

5. The said contract as so varied as aforesaid shall be treated and conclusivelv deemed to have been executed by the said Corporation of the Town of Galt. Contract to be deemed to have been executed by town of Galt.

6. The said contract as so varied as aforesaid shall be conclusively deemed to be a contract executed by the Corporations mentioned in section 3, within the meaning of the said recited Acts, and the Commission therein named may carry out and execute the same and shall have power and authority to do all acts necessary for that purpose, and it shall not be necessary that the said contract as so varied as aforesaid be approved of by the Lieutenant-Governor in Council. Contract to be deemed to be a contract executed in corporations named.

7. The Corporations mentioned in section 3, and each and every of them shall be conclusively deemed to have entered into a contract with the Commission within the meaning of the said recited Acts, and to have and to be entitled to exercise all the powers mentioned in the said Acts, which are thereby conferred upon a Corporation which has entered into such a contract. Corporations to be deemed to have contracted with Commission.

8. Every action which has been heretofore brought and is now pending wherein the validity of the said contract or any by-law passed or purporting to have been passed authorizing the execution thereof by any of the Corporations hereinbefore mentioned is attacked or called in question, or calling in question the jurisdiction, power or authority of any Municipal Corporation or of the Councils thereof or of any or either of them to exercise any power or to do any of the acts which the said recited Acts author- Pending action stayed.

ize to be exercised or done by a Municipal Corporation or by the Council thereof, by whomsoever such action is brought shall be and the same is hereby forever stayed.

Contracts for construction of works confirmed.

9. The contracts between the Hydro-Electric Power Commission of Ontario and

(*a*) The F. H. McGuigan Construction Company;

(*b*) The Canadian General Electric Company, Limited;

(*c*) The Canadian Westinghouse Company, Limited;

are hereby declared to be legal and valid, and the Commission may carry out and execute said contracts, and, in addition to all other powers of the said Commission, the Commission shall have power and authority to do all acts necessary for the purposes of said contracts.

Commission may acquire easements.

10. In addition to all other powers, the Commission may, by purchase, lease or otherwise or without the consent of the owners thereof or persons interested therein, acquire, enter upon and take possession of and use a right or easement to construct, erect, maintain and operate transmission lines with all other plant appliances and equipment required therefor to transmit electricity at such voltage as the Commission may determine, through, over, under along or across any lands and premises, public highways or public places, streams, waters, water-courses, bridge, viaduct or railway.

Municipality may make contracts when authorized by vote of electors.

11. When a municipal corporation has applied under the provisions of paragraph 11 of the contract set forth in Schedule 1, for a supply of power, and when in any municipality a question has been submitted to a vote of the electors pursuant to paragraph 1*a* of section 533 of *The Consolidated Municipal Act, 1903*, and the amendments thereto, including the amendment made during the present session as to a supply of electric power from the Commission and the electors have voted in favour of a supply from the Commission, the council of the corporation of such municipality may authorize the entering into and such corporation may enter into a contract with the Commission in the form set forth in the said schedule or with such variations thereof as may be approved by the Lieutenant-Governor in Council, without submitting a by-law approving the same for the assent of the electors as provided by sub-section 1 of section 13 of *The Power Commission Act*, and when executed such contract shall be legal, valid and binding.

Debentures may be issued within two years.

12. Notwithstanding anything contained in the by-law of the council of any of the municipalities mentioned in section 3; it shall be sufficient if the debentures thereby authorized are issued within two years from the passing of the by-law.

13. Subsection 1 of section 25 of *The Power Commission Act* is amended by striking out of the fourth and fifth lines thereof, the words "Section 8 of Chapter 3 of The Revised Statutes of Ontario, 1897," and substituting therefor the words "Section 7 of *The Interpretation Act.*" 7 Edw. VII., c. 19, s. 25, subs. 1, amended.

14. The Act passed in the 8th year of His Majesty's reign, Chaptered 22, intituled *An Act to validate certain By-laws passed and contracts made pursuant to An Act to provide for the transmission of Electrical Power to Municipalities*, may be cited as *The power Commission Amendment Act, 1908.* 8 Edw. VII., c. 22, short title

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SCHEDULE "A."

This Indenture, made the 4th day of May, 1908, between The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor in Council, (hereinafter called the Commission), party of the First Part, and The Municipal Corporations of Toronto, Hamilton, London, Brantford, Guelph, Stratford, St. Thomas, Woodstock, Berlin, Galt, Hespeler, St. Marys, Preston, Waterloo and New Hamburg, (hereinafter called the Corporations), party of the Second Part.

Whereas, pursuant to *An Act to Provide for Transmission of Electrical Power to Municipalities*, the Corporations applied to the Commission to transmit and supply such power from Niagara Falls, and the Commission entered into contracts, hereto attached, with the Ontario Power Company of Niagara Falls, (hereinafter called the Company), for such power at the prices set forth in the schedule hereto attached, and the Commission furnished the Corporations with estimates, as shown in said schedule, of the total cost of such power, ready for distribution within the limits of the Corporations, and the electors of the Corporations assented to by-laws authorizing the Corporations to enter into a contract with the Commission for such power, and the Commission have estimated the line loss and the cost to construct, operate, maintain, repair, renew and insure a line to transmit, nominally, 30,000 horse power with total capacity of 60,000 horse power of such power to the Corporations, and have apportioned the part of such cost to be paid by each Corporation as shown in said schedule;

Now, therefore, this Indenture witnesseth that in consideration of the premises and of the agreements of the Corporations herein set forth, subject to the provisions of said Act and of the said contracts, the Commission agrees with the Corporations respectively:—

1.—(*a*) To construct a line to transmit the quantities of electric power shown in column 2 of the said schedule from Niagara Falls to the Corporations shown in column 1, respectively.

(*b*) On the 19th day of December, 1909, to supply said power in quantities set forth in column 2 of said schedule, or as a minimum 40 per cent. less, if written notice of minimum required is given on or before 19th July, 1909, to the Corporations within the limits thereof, ready for distribution at approximately the number of volts set forth in column 4 of said schedule, and approximately 25 cycles per second frequency.

(*c*) At the expiration of three months' written notice, which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to

time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 30,000 horse power.

(*d*) At the expiration of nine months' like notice which may be given by the Corporations or any of them from time to time during the continuance of this agreement, to supply from time to time to the Corporations in blocks of not less than 1,000 horse power each, additional power until the total amount so supplied shall amount to 100,000 horse power.

(*e*) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporations.

In consideration of the premises and of the agreements herein set forth each of the Corporations for itself, and not one for the other, agrees with the Commission:—

2.—(*a*) Subject to the provisions of paragraph 2 (*g*), hereof, to pay the Commission for the quantities of power shown in column 2 of said schedule, or 40 per cent. less as a minimum, to be supplied at said date, and for such additional power supplied or held in reserve upon such notices, the price set forth in column 3 of said schedule in twelve monthly payments, in gold coin of the present standard of weight and fineness, and bills shall be rendered by the Commission on or before the fourth and paid by the Corporations on or before the fifteenth of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of such power to the Corporation in default until said bill is paid. No such discontinuance shall relieve the Corporation in default from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(*b*) To take electric power exclusively from the Commission during the continuance of this agreement; provided, if the Commission is unable to supply said power as quickly as required, the Corporations may obtain the supply otherwise until the Commission has provided such supply, thereupon the Corporations shall immediately take from the Commission; and the Corporations may generate, store or accumulate electric power for emergencies, or to keep down the peak load of the power taken from the Commission; and nothing herein contained shall affect existing contracts between the Corporations and other parties for a supply of electric power, but the Corporations shall determine said contracts at the earliest date possible.

(*c*) To pay, annually, interest at four per cent. per annum upon its proportionate part of the moneys expended by the Commission on capital account for the construction of the said line, transformer stations and other necessary works shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10.

(*d*) To pay an annual sum for its proportionate part of the cost of the construction of said line, stations and works, shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 10, so as to form in thirty years a sinking fund for the retirement of the securities to be issued by the Province of Ontario.

(*e*) To bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said line, stations and works, shown, respectively, in column 7 of said schedule, subject to adjustment under paragraph 10.

(*f*) To keep, observe and perform the covenants, provisoes and conditions set forth in said contracts, intended by the Commission and the Company to be kept and observed and performed by the Corporations.

(*g*) To pay for three-fourths of the power supplied and held in reserve at said date and upon said notices, whether the said power is taken or not, and when the greatest amount of power taken for

twenty consecutive minutes in any month shall exceed three-fourths of the amount during such twenty consecutive minutes, so supplied and held in reserve, to pay for this greater amount during that entire month. When the power factor of the greatest amount of power taken for said twenty-minutes falls below 90 per cent., the Corporations shall pay for 90 per cent. of said power divided by the power factor.

(*h*) To take no more power than the amount to be supplied and held in reserve at said date and upon said notices.

(*i*) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(*j*) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the Company.

3. If, as therein provided, the said contracts are continued unti' 19th December, 1939, this agreement shall remair in force until that date.

4. Said power shall be three phase, alternating, commercially continuous twenty-four hour power every day of the year except as provided in paragraph 6 hereof, and shall be measured by curve-drawing meters, subject to test as to accuracy by either party hereto.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Coorprations and take records at all reasonable times on giving to the Corporations six hours' notice of the intention to make such inspection. The Corporations shall have a like right on giving a like notice to inspect the apparatus, plant and property of the Commission.

6. In case the Commission or the Company shall at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporations shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasion, explosion, act of God or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time and the Corporations shall not be bound to pay the price of said power at Niagara Falls during such time, but the Corporations shall continue to make all other payments, but as soon as the cause of such interruption is removed the Commission shall without any delay supply said power as aforesaid and the Corporations shall take the same and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Company due to any cause or causes, other than those provided for by the next preceding paragraph hereof, the Commission shall recover and pay to the Corporations as liquidated and ascertained damages, and not by way of penalty, as follows: For any interruption less than one hour double the amount payable for power which should have been supplied during the time of such interruption; and for any interruption of one hour or more, the amount payable for the power which should have been supplied during the time of such interruption and twelve times the last mentioned amount in addition thereto, and all moneys payable under this paragraph when the amount thereof is settled between the Commission and the Company may be deducted from any moneys payable by the Corporations to the Commission, but such right of deduction shall not in any case delay the said monthly payments.

8. The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so

maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporations, their agents, customers, apparatus, appliances and circuits.

9. In case any municipal corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Company shall suffer damages by the act or neglect of the Company, and such municipal corporation, person, firm or corporation would, if the Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceeding or bring such action for or on behalf of such municipal corporation, person, firm, or corporation, and notwithstanding any acts, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such municipal corporation, person, firm or corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceeding or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

10. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining repairing, renewing and insuring the line and works.

11. If at any time, any other municipal corporation, or pursuant to said Act, any railway or distributing company or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporations, parties hereto, in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the prices to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporations, parties hereto, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporations, parties hereto, will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof.

12. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

13. Each of the Corporations agrees with the other:—

(*a*) To take electric power exclusively from the Commission during the continuance of this agreement, subject to the provisoes above set forth in paragraph 2 (*b*).

(*b*) To co-operate, by all means in its power, at all times, with the Commission, to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

14. If differences arise between the Corporations the Commission may upon application fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries concerning Public Matters.*

15. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

16. Notwithstanding anything hereinbefore contained this agreement shall not come into operation as against the Commission or be binding upon the Commission until, in addition to any other orders-in-council, pursuant to said Act, an order-in-council has been passed and approved by the Lieutenant-Governor in Council expressly declaring that this agreement shall from the date of such order-in-council be binding upon the Commission.

In witness whereof the Commission and the Corporations have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.
A. BECK.
JOHN S. HENDRIE.
W. K. MCNAUGHT.

(L.S.)

THE CORPORATION OF THE CITY OF TORONTO.
JOSEPH OLIVER,
(L.S.) Mayor.
R. T. COADY,
Treasurer.

THE CORPORATION OF THE CITY OF LONDON.
S. STEVELY,
(L.S.) Mayor.
S. BAKER,
Clerk.

THE CORPORATION OF THE CITY OF GUELPH.
JOHN NEWSTEAD,
(L.S.) Mayor.
T. J. MOORE,
City Clerk.

THE CORPORATION OF THE CITY OF STRATFORD.
W. S. DINGMAN,
(L.S.) Mayor.
R. R. LANG,
City Clerk.

THE CORPORATION OF THE CITY OF ST. THOMAS.
GEO. GEDDES,
(L.S.) Mayor.
S. O. PERRY.
City Treasurer.

THE CORPORATION OF THE CITY OF WOODSTOCK.
R. G. SAWTELL,
(L.S.) Mayor.
JOHN MORRISON,
City Clerk.

THE CORPORATION OF THE TOWN OF BERLIN.
ALLEN HUBER,
(L.S.) Mayor.
A. H. MILLAR,
Clerk.

THE CORPORATION OF THE TOWN OF HESPELER.
G. D. FORBES,
(L.S.) Mayor.
WINFIELD BREWSTER,
Clerk.

THE CORPORATION OF THE TOWN OF ST. MARYS.
JOHN WILLARD,
(L.S.) Mayor.
L. HARSTONE,
Clerk.

THE CORPORATION OF THE TOWN OF PRESTON.
FREDERICK CLARE,
(L.S.) Mayor.
H. C. EDGAR,
Clerk and Treasurer.

THE CORPORATION OF THE TOWN OF WATERLOO.
I. B. FISCHER,
(L.S.) Mayor.
A. B. McBRIDE,
Clerk.

THE CORPORATION OF THE VILLAGE OF NEW HAMBURG.
J. F. KATZENMEIER,
(L.S.) Reeve.
WILLIAM MILLER,
Clerk.

THE CORPORATION OF THE TOWN OF INGERSOLL.
GEORGE SUTHERLAND,
(L.S.) Mayor.
W. R. SMITH,
Clerk.

SCHEDULE B

Column 1.	2.	3.	4.	5.	6.	7.
Name of Municipal Corporation.	Quantity of power applied for in H.P.	Maximum price of power at Niagara Falls.	No. of volts.	Estimate maximum cost of power ready for distribution in municipality.	Estimate proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.	Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.
Toronto.....	10,000	$9.40 for power at 12,000 volts until 25,000 H.P. or more are taken, then $9.00 for all. $10.40 for power at 60,000 volts until 25,000 H.P. or more are taken, then $10.00 for all. If power taken at higher voltage, price to be fixed by arbitration.	Number required by each Corporation.	$18.10	$828,080	$38,970
Hamilton.....	1,500			17.50	115,650	5,442
London.....	5,000			23.50	671,080	31,578
Brantford	1,500			21.50	172,770	8,134
Guelph.....	2,500			24.00	347,420	16,350
Stratford.....	1,500			24.50	215,600	10,146
St. Thomas....	1,500			26.50	244,140	11,490
Woodstock....	1,200			23.00	155,350	7,310
Berlin.....	1,000			24.00	138,970	6,540
Galt.....	1,200			22.00	143,920	6,773
Hespeler.....	400			26.00	63,200	2,974
St. Mary's....	500			29.50	95,677	4,502
Preston.....	600			23.50	80,530	3,789
Waterloo	685			24.50	98,460	4,630
New Hamburg.	250			29.50	47,830	2,251

No 157.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend an Act passed in the 7th Year of His Majesty's Reign, Chaptered 19, intituled "An Act to provide for the transmission of Electrical Power to Municipalities," to validate certain contracts entered into with the Hydro-Electric Power Commission of Ontario, and for other purposes.

First Reading, 11th March, 1909.
Second Reading, 16th March, 1909.

(*Reprinted as amended in Committee of the Whole House*).

Sir JAMES P. WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 158 1909

BILL.

An Act respecting the City of Ottawa.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition prayed that it may be provided that the assessment of property in the said city for purposes of taxation shall be made only every third year; and whereas the said Corporation has by its said petition further prayed that it may be provided that at all municipal elections hereafter to be held in the said city the polls shall be kept open until six o'clock in the afternoon; and whereas the said Corporation has by its said petition further prayed that it may be provided that the lithographed or engraved signature of the Treasurer for the time being of the said Corporation on interest coupons attached to debentures heretofore issued or hereafter to be issued by the said Corporation shall be a sufficient signing of the same; and whereas the said Corporation has by its said petition further prayed that the Acts relating to the Carnegie Library in the said city may be amended so that the Council of the said Corporation may in its discretion expend more than $10,000 in any year for maintaining and managing the said library; and whereas the said Corporation has by its said petition further prayed that it may be authorized to grant to the Ottawa Electric Railway Company a right-of-way through a portion of Rockliffe Park, the property of the said Corporation; and whereas the said Corporation has by its said petition further prayed that it may be authorized to take possession of, hold, improve and beautify and care for and preserve the monuments and memorials still standing there as historical objects, under the provisions of *The Public Parks Act* and other Acts, those certain parcels of land lying south of Rideau Street in the said city, formerly used by various religious bodies as burying grounds but which have long ceased to be used for such purpose and have been neglected; and whereas the said Corporation has by its said petition further prayed that certain local improvement debenture by-laws and other by-laws passed in

the years 1908-9 may be validated and confirmed; and whereas the said Corporation has by its said petition shown that the present debenture debt of the said city is $8,159,680.99, no part of the principal or interest whereof is in arrear, and that it is necessary that the said debt should be increased by an amount not exceeding $30,000 to provide for the liquidation of the debts of the Central Canada Exhibition Association contracted in connection with the holding of an annual exhibition in the said city and the improvement of Lansdowne Park, the property of the said Corporation, and by an amount not exceeding $85,000 to provide for the cost of the erection of a fire-proof structure in place of the grand stand on Lansdowne Park recently destroyed by fire, which shall answer as well the purpose of a fire station and a sub-police station, and by an amount not exceeding $30,000 to provide for the cost of completing a relief sewer for the central portions of the said city, upon the construction of which $15,000 has been already expended under the authority of section 6 of Chapter 102 of the Statutes for 1908, and by an amount not exceeding $7,000 to provide a roadway to enable the Ottawa Electric Railway to extend its system to Beechwood and Notre Dame Cemeteries, notwithstanding that a part of the said roadway will be outside the limits of the said city, and by an amount not exceeding $7,000 to provide for necessary structural alterations and improvements to the Public Library Building in the said city, and by an amount not exceeding $30,000 to provide for the acquisition of sites and the erection thereon of additional fire stations and the procuring of additional fire equipment and appliances, and by an amount not exceeding $12,000 to provide for necessary structural changes in the Contagious Diseases Hospital in the said city so as to ensure complete segregation of the different diseases treated there, and by an amount not exceeding $40,000 to provide for the cost of the installation of a high pressure system in connection with the water works system of the said city, and by an amount not exceeding $298,000 to provide for the cost of the completion of a new aqueduct and intake pipe in connection with the water works system of the said city to give greater power to and a greater volume of water through the said system, which work has been approved by The Ontario Railway and Municipal Board; and has prayed that it may be authorized to borrow the said sums of money by an issue of debentures without submitting any by-law in connection therewith to, or having the assent thereto of the electors of the said city before the final passing thereof; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: —

Triennial assessment.

1. Notwithstanding anything contained in *The Assessment Act*, the assessment of property in the said city for purposes of taxation shall hereafter be made only every third year.

Polls to be kept open until 6 p.m.

2. Notwithstanding anything contained in *The Municipal Act*, at all municipal elections hereafter to be held in the said city the polls shall be kept open until six o'clock in the afternoon.

Use of stamp in signing Treasurer's name.

3. Notwithstanding anything contained in *The Municipal Act*, the lithographed or engraved signature of the Treasurer for the time being of the said Corporation upon interest coupons attached to debentures heretofore issued or hereafter to be issued, shall be a sufficient signing of the same.

8 Edw. VII., c. 102, s. 12, amended.

Carnegie library.

4. Section 12 of Chapter 102 of the Statutes for 1908 is amended by substituting the words "Provided that the annual estimates of expenditures to be made for and in connection with the said Library, Reading Room, Museum and Evening Class shall be prepared and certified to the Council of the said Corporation by the Board of Control of the said Corporation under the provisions of section 277 of *The Consolidated Municipal Act, 1903*, and all appropriations, expenditures, contracts, purchases of supplies and materials and appointments for or in connection with the said Library, Reading Room, Museum and Evening Class shall be subject to and governed by the provisions of the said section," for the words "Provided that such by-law shall, before the final passing thereof, be submitted to the electors qualified to vote on by-laws for the creation of debts and receive the assent of a majority of the electors voting thereon," where the same occur in the said section 12.

Grant of right of way to Street Railway across Rockliffe Park.

5. Notwithstanding anything contained in *The Public Parks Act*, the said Corporation may for the benefit of the Dominion Rifle Association grant to the Ottawa Electric Railway Company to enable the said Company to extend its railway to the Dominion Rifle Range, a right-of-way across a portion of Rockliffe Park, the property of the said Corporation, upon such terms and subject to such conditions as the Council of the said Corporation may determine.

Authority to take possession of certain lands formerly used as a burying ground.

6. The said Corporation may take possession of and hold and improve and beautify that parcel of land in the said city bounded on the north by Heney Street, on the east by Wurtemburg Street, on the south by Tormey Street and on

the west by Cobourg Street, containing about eight acres, formerly used as burying grounds by the Episcopalian, Presbyterian, Methodist and Roman Catholic bodies, but long since disused for such purpose and neglected under the provisions of *The Public Parks Act* and of section 1 of Chapter 54 of the Acts passed in the 2nd year of His Majesty's reign, upon condition that the said Corporation shall care for and protect the graves and preserve and protect as historical objects the monuments and memorials still existing there.

By-laws specified in Schedule "A" confirmed.

7. The by-laws of the said Corporation specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are validated and confirmed.

By-law No. 2818 confirmed.

8. By-law No. 2818 of the said Corporation intituled "A by-law to authorize the issue of debentures to the amount of $70,172.46 for water works purposes," which by-law is set out in Schedule "B" to this Act and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are validated and confirmed.

By-law No. 2829 confirmed.

9. By-law No. 2829 of the said Corporation, intituled "A by-law to amend by-law No. 2344," which by-law is set out in Schedule "C" to this Act, is validated and confirmed.

Authority to borrow $30,000 to pay debts of Central Canada Exhibition Association.

10. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $30,000 to provide for the payment of the debts of the Central Canada Exhibition Association contracted in connection with the holding of an annual exhibition in the said city and the improvement of Lansdowne Park in the said city.

Authority to borrow $85,000 to construct grand stand and fire station on Lansdowne Park.

11. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 30 years from the date thereof a sum not exceeding $85,000 to provide for the cost of the construction on Lansdowne Park in the said city of a fire proof structure to answer the purposes of a grand stand, fire station and sub-police station.

Authority to borrow $30,000 for relief sewer.

12. The said Corporation may borrow upon an issue of debentures bearing such interest as the Council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $30,000 to provide for the cost of completing the construction of a relief

sewer for the central part of the said city, authorized to be constructed under section 6 of the Acts passed in the 8th year of His Majesty's reign, Chaptered 102, intituled *An Act respecting the City of Ottawa.*

Authority to borrow $7,000 to construct roadway for extension of street railway.

13. The said corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $7,000 to provide for the cost of the construction of a roadway to enable the Ottawa Electric Railway Company to extend its railway to Beechwood and Notre Dame Cemeteries in the Township of Gloucester and may construct the said roadway and expend thereon the said sum, notwithstanding that a part of the said roadway will be outside the bounaries of the said City.

Authority to borrow $7,000 for improvements to Public Library.

14. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $7,000 to provide for the cost of necessary structural alterations and improvements in the Public Library building in the said City.

Authority to borrow $30,000 for additional fire stations.

15. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $30,000 to provide for the cost of the acquisition of sites for and the erection thereon of additional fire stations and the purchase of additional equipment and appliances for the suppression of fires.

Authority to borrow $12,000 for improvements to Contagious Diseases Hospital.

16. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $12,000 to provide for the cost of certain necessary structural changes and improvements in the Contagious Diseases Hospital in the said City to ensure the complete segregation of the different diseases treated therein.

Authority to borrow $40,000 for installation of a high pressure water system.

17. The said Corporation may borrow upon a special issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 40 years from the date thereof a sum not exceeding $40,000 to provide for the cost of the installation of a high pressure system in connection with the waterworks system of the said City.

Authority to borrow $298,000 for construction of new aqueduct and intake pipe.

18. The said Corporation may borrow upon an issue of debentures to bear interest at such rate as the Council of the said Corporation may determine and payable in 40 years from the date thereof a sum not exceeding $298,000 to provide for the cost of completing the construction of a new aqueduct and intake pipe in connection with the waterworks system of the said City, which work has been approved by, and commenced under, the order of the Ontario Railway and Municipal Board.

Special rate.

19. For the payment of the debt and interest represented by the debentures to be issued under sections 10, 11, 12, 13, 14, 15 and 16 hereof, there shall be annually raised, levied and collected by the said Corporation during the currency of the said debentures by an annual special rate upon the whole of the assessable property of the said Corporation, according to the last revised assessment roll thereof a sum sufficient to discharge the said debt and interest when the same shall be respectively payable.

Application of water rates and special rate to make up deficiency.

20. For the payment of the debt and interest represented by the debentures to be issued under the authority of sections 17 and 18 hereof there shall be annually raised during the currency of the said debentures, with the authority conferred upon the said Corporation in and by the Act passed in the 35th year of the reign of Her late Majesty, Chaptered 80, and intituled *An Act for the construction of Waterworks for the City of Ottawa,* by the said Corporation from the water rates, a sum sufficient to discharge the said debt and interest when the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance, and the cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said waterworks, or to be charged against the said water rates by any Act of this Legislature; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid; then when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said Corporation according to then last revised assessment roll thereof a sum sufficient to make good such deficiency.

Assent of electors not required.

21. None of the by-laws to be passed under sections 10, 11, 12, 13, 14, 15, 16, 17 and 18 hereof shall require to be submitted to or to have the assent thereto of the electors before the final passing thereof.

Application of moneys borrowed.

22. The sums hereinbefore authorized to be borrowed shall when raised, be used for the respective purposes hereinbefore mentioned and no others.

SCHEDULE "A."

(*a*) By-law No. 2762 entituled "A By-law to authorize the issue of debentures to the amount of $50,000 for water works purposes," passed on the 18th day of May, A.D. 1908.

(*b*) By-law No. 2765 entituled "Being a By-law to provide for the issue of debentures to the amount of $1,056.22 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*c*) By-law No. 2766 entituled "Being a By-law to provide for the issue of debentures to the amount of $58,177.17 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*d*) By-law No, 2767 entituled "Being a By-law to provide for the issue of debentures to the amount $52,528.95 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*e*) By-law No. 2768 entituled "Being a collective or cumulative By-law for the consolidation of the several amounts requireed for particular local improvements specified in the By-laws of the City of Ottawa hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(*f*) By-law No. 2769 entituled "Being a collective or cumulative By-law for the consolidation of the several amounts required for particular local improvements specified in the By-laws of the Corporation of the City of Ottawa, hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(*g*) By-law No. 2770 entituled "Being a collective or cumulative By-law for the consolidation of the several amounts required for particular local improvements specified in the By-laws of the City of Ottawa hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(*h*) By-law No. 2771 entituled "A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the properties fronting or abutting on the respective streets and on the portions thereof, and in the respective wards as in this By-law, and in the Schedule annexed thereto respectively more particularly designated and described for the construction, in the said respective streets and portions thereof of sewers, in pursuance of the provisions of the Municipal Act," passed on the 18th day of May, A.D. 1908.

(*i*) By-law No. 2772 entituled "Being a By-law to provide for the issue of debentures to the amount of $1,145.67 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*j*) By-law No. 2773 entituled "A By-law to authorize the issue of debentures of the City of Ottawa to the amount of $30,000 for the purpose of providing for the cost of certain extensions and improvements of the electric light works of the said city," passed on the first day of June, A.D. 1908.

(*k*) By-law No. 2805 entituled "By-law to authorize the issue of debentures to the amount of $52,000 for water works purposes," passed on the 7th day of October, A.D. 1908.

(*l*) By-law No. 2810 entituled "A By-law to provide for borrowing money by the issue of debentures secured by special rates on the properties fronting or abutting on the respective streets and on the portions and sides thereof and in that part of the City of Ottawa which formerly constituted the Village of Ottawa East, as in this By-law and in the Schedule annexed thereto respectively more particularly designated and described for the construction on said respective portions of said streets and on said respective sides thereof, sewers and sidewalks in pursuance of the provisions of the Municipal Act," passed on the 10th day of November, A.D. 1908.

(*m*) By-law No. 2811 entituled "A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the properties fronting or abutting on Sussex Street, and on the portions and sides thereof and in the respective wards, as in this By-law and in the Schedule annexed thereto respectively, more particularly designated and described for the construction on said respective portions of said streets and on said respective sides thereof, of an asphalt pavement in pursuance of the provisions of the Municipal Act," passed on the 16th day of November, A.D. 1908.

(*n*) By-law No. 2812 entituled "Being a By-law to provide for the issue of debentures to the amount of $61,913.82 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 16th day of November, A.D. 1908.

SCHEDULE "B."

By-law No. 2818.

A By-law to authorize the issue of debentures to the amount of $70,172.46 for water works purposes.

Whereas under and by virtue of an Order of the Ontario Railway and Municipal Board, bearing date the 10th of December, 1907, the Village of Ottawa East was annexed to the City of Ottawa.

And whereas one of the terms of the said Order is that the plant of the water works system of the said Village of Ottawa East, which was the property of the Ottawa East Water Company, Limited, should be taken over by the Corporation of the City of Ottawa at a valuation to be determined by arbitration in the event of failure to agree thereon.

And whereas by reason of the annexation of the said Village of Ottawa East it became desirable and necessary, in the public interest to extend the water works system of the said City of Ottawa throughout the territory which had formerly been embraced within the limits of the said village, and for the purpose of such extension to acquire the said plant of the water works system of the said Village of Ottawa East.

And whereas the said Corporation of the City of Ottawa has, after arbitration proceedings to settle the price to be paid therefor, taken over the said plant of the said water works system at a cost of $70,172.46.

And whereas it will be necessary to borrow upon an issue of debentures the said sum of $70,172.46 to provide for the cost of taking over the said plant of the said water works system.

And whereas under and by virtue of section 1 of chapter 78 of an Act of the Legislature of the Province of Ontario, passed during the session thereof held in the year 1907, entituled, "An Act respecting the City of Ottawa," the Corporation of the City of Ottawa is authorized, with the approval of the Ontario Railway and Municipal Board to pass a By-law or By-laws for the purpose of borrowing money for extensions and improvements of its water works system as provided by subsection (5) of section 569 of *The Consolidated Municipal Act, 1903*, as amended by section 21 of *The Municipal Amendment Act, 1906*, and subsection (*d*) of section 53 of the *Ontario Railway and Municipal Board Act, 1906*.

And whereas it has been shown to the satisfaction of the Ontario Railway and Municipal Board that the said extension was necessary and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest.

And whereas on the final passing of this by-law three-fourths of all the members of the council of the said Corporation voted in favour of the same.

And whereas the amount of the whole rateable property of the Municipality of the City of Ottawa, according to the last revised assessment roll thereof is $44,880,080.00.

And whereas the whole of the existing debenture debt of the said municipality (exclusive of the local improvement debt secured by special rates and assessments) is $6,639,558.86, no part of which for principal or interest is in arrear.

And whereas it will require the sum of $2,807 to be raised annually by a special rate for the payment of interest on the said debt as hereinafter mentioned during the currency of the said debentures, and also the sum of $1,480 to be raised annually by a special rate as hereinafter mentioned during the currency of the said debentures for the payment of the said debt, which sum will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of $4,287.00 to be raised annually as aforesaid.

Therefore, the Municipal Council of the Corporation of the City of Ottawa, with the approval of the Ontario Railway and Municipal Board, enacts as follows:—

1. It shall be lawful for the Corporation of the City of Ottawa to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate who may be willing to advance the same, a sum of money not exceeding in the whole the sum of $70,172.46 Canadian currency, or the equivalent thereof in sterling money, for the purposes above recited.

2. It shall be lawful for the said Corporation to issue debentures to the amount of the said sum of $70,172.46 Canadian currency or the equivalent thereof in sterling money in all, said debentures to be issued in sums of not less than $100 Canadian currency or £20 sterling, and to be sealed with the seal of the said Corporation and signed by the Mayor and Treasurer thereof.

3. The said debentures shall be made payable in Canadian currency at the head office of the Bank of Ottawa, in the City of Ottawa, or in sterling money at Parr's Bank, 4 Bartholomew Lane, London, E.C., England, in thirty years from the day on which this by-law takes effect, and shall have attached thereto coupons for the payment of interest.

4. The said debentures shall bear interest at the rate of four per centum per annum from the date thereof, which interest shall be payable half-yearly on the first days of the months of January and July in each year at the said head office of the Bank of Ottawa, in the City of Ottawa, or at Parr's Bank aforesaid, in London, England.

5. During the currency of the debentures to be issued under the authority of this by-law there shall be raised annually the sum of $2,807.00 for the payment of interest on the said debentures, and the sum of $1,480.00 for the purpose of creating a sinking fund for the payment of the debt thereby secured, making in all the sum of $4,287.00 to be raised annually as aforesaid during the currency of the said debentures, which said sum the said council shall raise annually from the water rates with the authority conferred on the said council by the *Act of the Legislature of the Province of Ontario*, passed in the 35th year of the reign of her late Majesty, Queen Victoria, chaptered 80, and entituled *An Act for the construction of water works for the City of Ottawa*, and the Acts amending the same, and if from any cause the moneys annually accruing from the water rates after deducting the present charges thereon shall prove insufficient for the purposes aforesaid, then so often as the same shall occur an equal special rate on the dollar upon the assessed value of all the rateable property in the said City of Ottawa, according to the last revised assessment roll thereof, over and above all other rates and taxes, sufficient in each year to produce the said sum of $4,287.00 shall be settled, imposed, levied and collected in each year during the currency of the said debentures for the purpose of paying the said sum of $70,172.46

or its equivalent in sterling money with the interest thereon as aforesaid.

6. The said sum of $70,172.46 when obtained shall be applied to the purpose hereinbefore mentioned and to no other.

7. This By-law shall take effect and come into operation on the 1st day of January, A.D. 1909.

Given under the Corporate Seal of the City of Ottawa, this 21st day of December, A.D. 1908.

Certified,

(Sgd.) JOHN HENDERSON,
City Clerk.
(Sgd.) NAPOLEON CHAMPAGNE,
Mayor.

SCHEDULE "C."

BY-LAW No. 2829.

A By-law to amend By-law No. 2344.

The Municipal Corporation of the Corporation of the City of Ottawa, subject to confirmation by the Legislature of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in any By-law of the Corporation or in any Act of the Legislature of the Province of Ontario, the debentures to be issued under By-law No. 2344, entitled "A By-law to authorize the issue of debentures of the City of Ottawa to the amount of $50,000 for the purpose of acquiring such lands, water power and machinery, easements and privileges, and of constructing such buildings and works as may be necessary for the production, manufacture and use of electricity for lighting the streets, squares, lanes, bridges and public places of the said City," shall be dated the first day of July, 1907, shall be payable on the first day of July, 1937, and the interest thereon during the currency thereof shall be payable semi-annually on the first day of January and the first day of July in each year.

Given under the Corporate Seal of the City of Ottawa, this 15th day of February, A.D. 1909.

Certified,

(Sgd.) JOHN HENDERSON,
City Clerk.
(Sgd.) CHAS. HOPEWELL,
Mayor.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the City of Ottawa.

First Reading, March, 1909.

(*Private Bill.*)

Mr. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 158 **BILL.** 1909

An Act respecting the City of Ottawa.

Preamble.

WHEREAS the Corporation of the City of Ottawa has by its petition prayed that it may be provided that the assessment of property in the said city for purposes of taxation shall be made only every third year; and whereas the said Corporation has by its said petition further prayed that it may be provided that at all municipal elections hereafter to be held in the said city the polls shall be kept open until six o'clock in the afternoon; and whereas the said Corporation has by its said petition further prayed that it may be provided that the lithographed or engraved signature of the Treasurer for the time being of the said Corporation on interest coupons attached to debentures heretofore issued or hereafter to be issued by the said Corporation shall be a sufficient signing of the same; and whereas the said Corporation has by its said petition further prayed that the Acts relating to the Carnegie Library in the said city may be amended so that the Council of the said Corporation may in its discretion expend more than $10,000 in any year for maintaining and managing the said library; and whereas the said Corporation has by its said petition further prayed that it may be authorized to grant to the Ottawa Electric Railway Company a right-of-way through a portion of Rockliffe Park, the property of the said Corporation; and whereas the said Corporation has by its said petition further prayed that it may be authorized to take possession of, hold, improve and beautify and care for and preserve the monuments and memorials still standing there as historical objects, under the provisions of *The Public Parks Act* and other Acts, those certain parcels of land lying south of Rideau Street in the said city, formerly used by various religious bodies as burying grounds but which have long ceased to be used for such purpose and have been neglected; and whereas the said Corporation has by its said petition further prayed that certain local improvement debenture by-laws and other by-laws passed in

the years 1908-9 may be validated and confirmed; and whereas the said Corporation has by its said petition shown that the present debenture debt of the said city is $8,159,680.99, no part of the principal or interest whereof is in arrear, and that it is necessary that the said debt should be increased by an amount not exceeding $30,000 to provide for the liquidation of the debts of the Central Canada Exhibition Association contracted in connection with the holding of an annual exhibition in the said city and the improvement of Lansdowne Park, the property of the said Corporation, and by an amount not exceeding $85,000 to provide for the cost of the erection of a fire-proof structure in place of the grand stand on Lansdowne Park recently destroyed by fire, which shall answer as well the purpose of a fire station and a sub-police station, and by an amount not exceeding $30,000 to provide for the cost of completing a relief sewer for the central portions of the said city, upon the construction of which $15,000 has been already expended under the authority of section 6 of Chapter 102 of the Statutes for 1908, and by an amount not exceeding $7,000 to provide a roadway to enable the Ottawa Electric Railway to extend its system to Beechwood and Notre Dame Cemeteries, notwithstanding that a part of the said roadway will be outside the limits of the said city, and by an amount not exceeding $7,000 to provide for necessary structural alterations and improvements to the Public Library Building in the said city, and by an amount not exceeding $30,000 to provide for the acquisition of sites and the erection thereon of additional fire stations and the procuring of additional fire equipment and appliances, and by an amount not exceeding $12,000 to provide for necessary structural changes in the Contagious Diseases Hospital in the said city so as to ensure complete segregation of the different diseases treated there, and by an amount not exceeding $40,000 to provide for the cost of the installation of a high pressure system in connection with the water works system of the said city, and by an amount not exceeding $298,000 to provide for the cost of the completion of a new aqueduct and intake pipe in connection with the water works system of the said city to give greater power to and a greater volume of water through the said system, which work has been approved by The Ontario Railway and Municipal Board; and has prayed that it may be authorized to borrow the said sums of money by an issue of debentures without submitting any by-law in connection therewith to, or having the assent thereto of the electors of the said city before the final passing thereof; and whereas it is expedient to grant the prayers of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Triennial assessment.

1. Notwithstanding anything contained in *The Assessment Act*, the assessment of property in the said city for purposes of taxation shall hereafter be made only every third year.

Polls to be kept open until 6 p.m.

2. Notwithstanding anything contained in *The Municipal Act*, at all municipal elections hereafter to be held in the said city the polls shall be kept open until six o'clock in the afternoon.

Grant of right of way to Street Railway across Rockliffe Park.

3. Notwithstanding anything contained in *The Public Parks Act*, the said Corporation may for the benefit of the Dominion Rifle Association grant to the Ottawa Electric Railway Company to enable the said Company to extend its railway to the Dominion Rifle Range, a right-of-way across a portion of Rockliffe Park, the property of the said Corporation, upon such terms and subject to such conditions as the Council of the said Corporation may determine.

By-laws specified in Schedule "A" confirmed.

4. The by-laws of the said Corporation specified in Schedule "A" hereto and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are validated and confirmed.

By-law No. 2818 confirmed.

5. By-law No. 2818 of the said Corporation intituled "A by-law to authorize the issue of debentures to the amount of $70,172.46 for water works purposes," which by-law is set out in Schedule "B" to this Act and all debentures issued or to be issued thereunder and all assessments made or to be made for the payment thereof are validated and confirmed.

By-law No. 2829 confirmed.

6. By-law No. 2829 of the said Corporation intituled "A by-law to amend by-law No. 2344," which by-law is set out in Schedule "C" to this Act, is validated and confirmed.

Authority to borrow $85,000 to construct grand stand and fire station on Lansdowne Park.

7. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 30 years from the date thereof a sum not exceeding $85,000 to provide for the cost of the construction on Lansdowne Park in the said city of a fire proof structure to answer the purposes of a grand stand, fire station and sub-police station.

Authority to borrow $30,000 for relief sewer.

8. The said Corporation may borrow upon an issue of debentures bearing such interest as the Council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $30,000 to provide for the cost of completing the construction of a relief sewer for the central part of the said city, authorized to be constructed under section 6 of the Acts passed in the 8th year of His Majesty's reign, Chaptered 102, intituled *An Act respecting the City of Ottawa.*

Authority to borrow $7,000 to construct roadway for extension of street railway.

9. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $7,000 to provide for the cost of the construction of a roadway to enable the Ottawa Electric Railway Company to extend its railway to Beechwood and Notre Dame Cemeteries in the Township of Gloucester and may construct the said roadway and expend thereon the said sum, notwithstanding that a part of the said roadway will be outside the boundaries of the said City.

Authority to borrow $7,000 for improvements to Public Library.

10. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $7,000 to provide for the cost of necessary structural alterations and improvements in the Public Library building in the said City.

Authority to borrow $30,000 for additional fire stations.

11. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $30,000 to provide for the cost of the acquisition of sites for and the erection thereon of additional fire stations and the purchase of additional equipment and appliances for the suppression of fires.

Authority to borrow $12,000 for improvements to Contagious Diseases Hospital.

12. The said Corporation may borrow upon an issue of debentures bearing interest at such rate as the Council of the said Corporation may determine and payable in 20 years from the date thereof a sum not exceeding $12,000 to provide for the cost of certain necessary structural changes and improvements in the Contagious Diseases Hospital in the said City to ensure the complete segregation of the different diseases treated therein.

Authority to borrow $98,000 for construction of new aqueduct and intake pipe

13.—(1) The said Corporation may borrow upon an issue of debentures to bear interest at such rate as the council may determine and payable in forty years from the date thereof a sum not exceeding $98,000 to provide for the cost of completing the construction of a new aqueduct and intake pipe in connection with the water works system of the said city.

(2) And for the like purpose the said Corporation may borrow upon an issue of debentures to bear interest at such rate as the council of the said Corporation may determine and payable in forty years from the date thereof a sum not excedeing $200,000, but no by-law shall be finally passed under this subsection until the same shall have been submitted to the electors qualified to vote on by-laws for the creation of debts and shall have received the assent of a majority of the electors voting thereon.

Special rate.

14. For the payment of the debt and interest represented by the debentures to be issued under sections *7*, *8*, *9*, *10*, *11*, *and 12* hereof, there shall be annually raised, levied and collected by the said Corporation during the currency of the said debentures by an annual special rate upon the whole of the assessable property of the said Corporation, according to the last revised assessment roll thereof a sum sufficient to discharge the said debt and interest when the same shall be respectively payable.

Application of water rates and special rate to make up deficiency.

15. For the payment of the debt and interest represented by the debentures to be issued under the authority of sections 17 and 18 hereof there shall be annually raised during the currency of the said debentures, with the authority conferred upon the said Corporation in and by the Act passed in the 35th year of the reign of Her late Majesty, Chaptered 80, and intituled *An Act for the construction of Waterworks for the City of Ottawa*, by the said Corporation from the water rates, a sum sufficient to discharge the said debt and interest when the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges of maintenance, and the cost of renewals in connection with the said waterworks, and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said waterworks, or to be charged against the said water rates by any Act of this Legislature; but if at any time the moneys accruing from the said water rates shall prove insufficient for the purposes aforesaid; then when and so often as the said deficiency shall occur, there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the said Corporation according to then last revised assessment roll thereof a sum sufficient to make good such deficiency.

Assent of electors not required.

16. None of the by-laws to be passed under sections 7, 8, 9, 10, 11, 12, and subsection 1 of section 13 hereof shall require to be submitted to or to have the assent thereto of the electors before the final passing thereof.

Application of moneys borrowed.

17. The sums hereinbefore authorized to be borrowed shall when raised, be used for the respective purposes hereinbefore mentioned and no others.

SCHEDULE "A."

(*a*) By-law No. 2762 entituled "A By-law to authorize the issue of debentures to the amount of $50,000 for water works purposes," passed on the 18th day of May, A.D. 1908.

(*b*) By-law No. 2765 entituled "Being a By-law to provide for the issue of debentures to the amount of $1,056.22 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*c*) By-law No. 2766 entituled "Being a By-law to provide for the issue of debentures to the amount of $58,177.17 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*d*) By-law No, 2767 entituled "Being a By-law to provide for the issue of debentures to the amount $52,528.95 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*e*) By-law No. 2768 entituled "Being a collective or cumulative By-law for the consolidation of the several amounts requireed for particular local improvements specified in the By-laws of the City of Ottawa hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(*f*) By-law No. 2769 entituled "Being a collective or cumulative By-law for the consolidation of the several amounts required for particular local improvements specified in the By-laws of the Corporation of the City of Ottawa, hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(*g*) By-law No. 2770 entituled "Being a collective or cumulative By-law for the consolidation of the several amounts required for particular local improvements specified in the By-laws of the City of Ottawa hereinafter mentioned," passed on the 18th day of May, A.D. 1908.

(*h*) By-law No. 2771 entituled "A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the properties fronting or abutting on the respective streets and on the portions thereof, and in the respective wards as in this By-law, and in the Schedule annexed thereto respectively more particularly designated and described for the construction, in the said respective streets and portions thereof of sewers, in pursuance of the provisions of the Municipal Act," passed on the 18th day of May, A.D. 1908.

(*i*) By-law No. 2772 entituled "Being a By-law to provide for the issue of debentures to the amount of $1,145.67 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 18th day of May, A.D. 1908.

(*j*) By-law No. 2773 entituled "A By-law to authorize the issue of debentures of the City of Ottawa to the amount of $30,000 for the purpose of providing for the cost of certain extensions and improvements of the electric light works of the said city," passed on the first day of June, A.D. 1908.

(*k*) By-law No. 2805 entituled "By-law to authorize the issue of debentures to the amount of $52,000 for water works purposes," passed on the 7th day of October, A.D. 1908.

(*l*) By-law No. 2810 entituled "A By-law to provide for borrowing money by the issue of debentures secured by special rates on the properties fronting or abutting on the respective streets and on the portions and sides thereof and in that part of the City of Ottawa which formerly constituted the Village of Ottawa East, as in this By-law and in the Schedule annexed thereto respectively more particularly designated and described for the construction on said respective portions of said streets and on said respective sides thereof, sewers and sidewalks in pursuance of the provisions of the Municipal Act," passed on the 10th day of November, A.D. 1908.

(*m*) By-law No. 2811 entituled "A By-law to provide for borrowing money by the issue of debentures secured by local special rates on the properties fronting or abutting on Sussex Street, and on the portions and sides thereof and in the respective wards, as in this By-law and in the Schedule annexed thereto respectively, more particularly designated and described for the construction on said respective portions of said streets and on said respective sides thereof. of an asphalt pavement in pursuance of the provisions of the Municipal Act," passed on the 16th day of November, A.D. 1908.

(*n*) By-law No. 2812 entituled "Being a By-law to provide for the issue of debentures to the amount of $61,913.82 to assist in the construction of certain local improvements on certain streets in the City of Ottawa," passed on the 16th day of November, A.D. 1908.

SCHEDULE "B."

By-law No. 2818.

A By-law to authorize the issue of debentures to the amount of $70,172.46 for water works purposes.

Whereas under and by virtue of an Order of the Ontario Railway and Municipal Board, bearing date the 10th of December, 1907, the Village of Ottawa East was annexed to the City of Ottawa.

And whereas one of the terms of the said Order is that the plant of the water works system of the said Village of Ottawa East, which was the property of the Ottawa East Water Company, Limited, should be taken over by the Corporation of the City of Ottawa at a valuation to be determined by arbitration in the event of failure to agree thereon.

And whereas by reason of the annexation of the said Village of Ottawa East it became desirable and necessary, in the public interest to extend the water works system of the said City of Ottawa throughout the territory which had formerly been embraced within the limits of the said village, and for the purpose of such extension to acquire the said plant of the water works system of the said Village of Ottawa East.

And whereas the said Corporation of the City of Ottawa has, after arbitration proceedings to settle the price to be paid therefor, taken over the said plant of the said water works system at a cost of $70,172.46.

And whereas it will be necessary to borrow upon an issue of debentures the said sum of $70,172.46 to provide for the cost of taking over the said plant of the said water works system.

And whereas under and by virtue of section 1 of chapter 78 of an Act of the Legislature of the Province of Ontario, passed during the session thereof held in the year 1907, entituled, "An Act respecting the City of Ottawa," the Corporation of the City of Ottawa is authorized, with the approval of the Ontario Railway and Municipal Board to pass a By-law or By-laws for the purpose

of borrowing money for extensions and improvements of its water works system as provided by subsection (5) of section 569 of *The Consolidated Municipal Act, 1903*, as amended by section 21 of *The Municipal Amendment Act, 1906*, and subsection (*d*) of section 53 of the *Ontario Railway and Municipal Board Act, 1906*.

And whereas it has been shown to the satisfaction of the Ontario Railway and Municipal Board that the said extension was necessary and that a sufficient additional revenue will be derived therefrom to meet the annual special rate required to pay the new debt and interest.

And whereas on the final passing of this by-law three-fourths of all the members of the council of the said Corporation voted in favour of the same.

And whereas the amount of the whole rateable property of the Municipality of the City of Ottawa, according to the last revised assessment roll thereof is $44,880,080.00.

And whereas the whole of the existing debenture debt of the said municipality (exclusive of the local improvement debt secured by special rates and assessments) is $6,639,558.86, no part of which for principal or interest is in arrear.

And whereas it will require the sum of $2,807 to be raised annually by a special rate for the payment of interest on the said debt as hereinafter mentioned during the currency of the said debentures, and also the sum of $1,480 to be raised annually by a special rate as hereinafter mentioned during the currency of the said debentures for the payment of the said debt, which sum will be sufficient with the estimated interest on the investment thereof to discharge the said debt when payable, making in all the sum of $4,287.00 to be raised annually as aforesaid.

Therefore, the Municipal Council of the Corporation of the City of Ottawa, with the approval of the Ontario Railway and Municipal Board, enacts as follows:—

1. It shall be lawful for the Corporation of the City of Ottawa to raise by way of loan upon the security of the debentures hereinafter mentioned, from any person or persons, body or bodies corporate who may be willing to advance the same, a sum of money not exceeding in the whole the sum of $70,172.46 Canadian currency, or the equivalent thereof in sterling money, for the purposes above recited.

2. It shall be lawful for the said Corporation to issue debentures to the amount of the said sum of $70,172.46 Canadian currency or the equivalent thereof in sterling money in all, said debentures to be issued in sums of not less than $100 Canadian currency or £20 sterling, and to be sealed with the seal of the said Corporation and signed by the Mayor and Treasurer thereof.

3. The said debentures shall be made payable in Canadian currency at the head office of the Bank of Ottawa, in the City of Ottawa, or in sterling money at Parr's Bank, 4 Bartholomew Lane, London, E.C., England, in thirty years from the day on which this by-law takes effect, and shall have attached thereto coupons for the payment of interest.

4. The said debentures shall bear interest at the rate of four per centum per annum from the date thereof, which interest shall be payable half-yearly on the first days of the months of January and July in each year at the said head office of the Bank of Ottawa, in the City of Ottawa, or at Parr's Bank aforesaid, in London, England.

5. During the currency of the debentures to be issued under the authority of this by-law there shall be raised annually the sum of $2,807.00 for the payment of interest on the said debentures, and the sum of $1,480.00 for the purpose of creating a sinking fund for the payment of the debt thereby secured, making in all the sum of $4,287.00 to be raised annually as aforesaid during the currency of the said debentures, which said sum the said council shall raise annually from the water rates with the authority conferred on the

said council by the *Act of the Legislature of the Province of Ontario*, passed in the 35th year of the reign of her late Majesty, Queen Victoria, chaptered 80, and entituled *An Act for the construction of water works for the City of Ottawa*, and the Acts amending the same, and if from any cause the moneys annually accruing from the water rates after deducting the present charges thereon shall prove insufficient for the purposes aforesaid, then so often as the same shall occur an equal special rate on the dollar upon the assessed value of all the rateable property in the said City of Ottawa, according to the last revised assessment roll thereof, over and above all other rates and taxes, sufficient in each year to produce the said sum of $4,287.00 shall be settled, imposed, levied and collected in each year during the currency of the said debentures for the purpose of paying the said sum of $70,172.46 or its equivalent in sterling money with the interest thereon as aforesaid.

6. The said sum of $70,172.46 when obtained shall be applied to the purpose hereinbefore mentioned and to no other.

7. This By-law shall take effect and come into operation on the 1st day of January, A.D. 1909.

Given under the Corporate Seal of the City of Ottawa, this 21st day of December, A.D. 1908.

Certified,

(Sgd.) JOHN HENDERSON,
City Clerk.
(Sgd.) NAPOLEON CHAMPAGNE,
Mayor.

SCHEDULE "C."

BY-LAW No. 2829.

A By-law to amend By-law No. 2344.

The Municipal Corporation of the Corporation of the City of Ottawa, subject to confirmation by the Legislature of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in any By-law of the Corporation or in any Act of the Legislature of the Province of Ontario, the debentures to be issued under By-law No. 2344, entitled "A By-law to authorize the issue of debentures of the City of Ottawa to the amount of $50,000 for the purpose of acquiring such lands, water power and machinery, easements and privileges, and of constructing such buildings and works as may be necessary for the production, manufacture and use of electricity for lighting the streets, squares, lanes, bridges and public places of the said City," shall be dated the first day of July, 1907, shall be payable on the first day of July, 1937, and the interest thereon during the currency thereof shall be payable semi-annually on the first day of January and the first day of July in each year.

Given under the Corporate Seal of the City of Ottawa, this 15th day of February, A.D. 1909.

Certified,

(Sgd.) JOHN HENDERSON,
City Clerk.
(Sgd.) CHAS. HOPEWELL,
Mayor.

No. 158

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the City of Ottawa.

First Reading, 16th March, 1909.

(*Reprinted as amended by The Private Bills Committee*).

Mr. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 159 **BILL.** 1909

An Act respecting the establishment in the City of Ottawa of a Hospital or Sanitorium for the reception, care and treatment of persons suffering from tuberculosis.

Preamble.

WHEREAS the Corporation of the City of Ottawa, has by its petition shown that there is great need for the establishment and maintenance in the said City of a hospital or sanitorium for the reception, care and treatment of persons suffering from tuberculosis and especially for the reception, care and treatment of persons in whose case the disease of tuberculosis has reached an advanced stage; and whereas the said Corporation has by its said petition also shown that James Manuel, Esquire, George S. MacCarthy, Physician and George Burn, Banker, all of the said City, together with a large number of other persons have formed an association under the name of "The Ottawa Anti-Tuberculosis Association," having for its object the relief of persons suffering from tuberculosis and that the said association has obtained subscriptions of a large sum of money for the purpose of erecting a hospital or sanitorium, having for its special object the reception, care and treatment of persons suffering from tuberculosis in an advanced stage, and that the said association has procured to be made plans of such a hospital or sanitorium and has obtained the approval of such plans by the Board of Health for the Province of Ontario and by the Medical Health Officer of the said Corporation; and whereas the said Corporation has by its said petition further shown that the said association has offered to erect and furnish at a cost of not less than $30,000 a hospital or sanitorium for the purposes aforesaid, according to the plans aforesaid upon a suitable site to be provided by the said Corporation, upon condition that the said Corporation shall thereafter, forever maintain the same and that the said Corporation being desirous to assist in promoting the object of the said association has accepted the said

offer and is desirous of entering into an agreement with the said association to effect the object of the said association upon the terms aforesaid; and whereas the said Corporation has by its said petition further shown that it has selected the lands hereinafter described as a suitable site for the said hospital or sanitorium, that the said site has been approved by the said association and that the said Corporation is desirous of having the said site approved for the said purpose, of being authorized to acquire the same and to issue debentures to an amount not exceeding $13.000 to provide for the cost of acquiring the said site and of extending a water main thereto and of providing proper drainage facilities therefor without submitting any by-laws in connection with the said debentures to or having the assent thereto of the electors before the final passing thereof; and whereas the said Corporation has prayed that an Act may be passed for the purposes aforesaid; and whereas it is expedient to grant the prayers of the said petition.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporation authorized to acquire certain lands.

1. The Corporation of the City of Ottawa may acquire the following land and premises, that is to say:—

All and singular that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa in the County of Carleton, in the Province of Ontario and Dominion of Canada, containing by superficial admeasurement, five and one hundred and forty-seven thousandths acres, being composed of part of lot numbered thirty-four in the first concession, Ottawa Front of the said Township of Nepean; described by metes and bounds as follows:—

Commencing at a point upon the southeasterly boundary of said lot thirty-four, which is also the northwesterly boundary of the road allowance, between the said first concession, Ottawa Front and concession "A," Rideau Front of Nepean; distant eleven hundred and eighty-three and sixty-four hundredths feet on a course North fifty-eight degrees nineteen minutes and thirty-eight seconds east astronomically along said boundary of said road allowance; from the centre of a stone monument at the southwesterly angle of said lot thirty-four, and also distant six and seven-tenths feet on a course of south fifty-eight degrees, nineteen minutes and thirty-eight seconds west astronomically, along said boundary of said road allowance, from the northeasterly angle of a cut stone monument erected by Ontario Land Surveyor, Charles Albert Biggar.

Thence from the point described, north twenty-two degrees, fifty-eight minutes and forty-two seconds west astronomically, four hundred and thirty-four and sixty-five hundredths feet:

Thence south sixty-seven degrees, one minute and eighteen seconds west astronomically four hundred and seventy-six feet:

Thence south twenty-two degrees, fifty-eight minutes and forty-two seconds east astronomically five hundred and seven and forty-four hundredths feet to the said northwesterly limit of said road allowance, intersecting it sixty and seven tenths feet northeasterly, along said boundary, from the northwesterly angle of a cut stone monument erected by Ontario Land Surveyor, Charles Albert Biggar.

Thence north fifty-eight degrees, nineteen minutes and thirty-eight seconds, east astronomically, along said boundary four hundred and eighty-one and fifty-three hundredths feet to the place of beginning; for the purpose of the erection and maintenance thereon of a hospital or sanitorium for the reception, care and treatment of persons suffering from tuberculosis and especially for the reception, care and treatment of those suffering from tuberculosis in an advanced stage, and notwithstanding anything contained in any other statute, a hospital or sanitorium for such purposes may be erected, established and maintained on the said land.

Agreement with Anti-Tuberculosis Association authorized.

2. The said Corporation may enter into an agreement with James Manuel of the City of Ottawa, in the County of Carleton, Esquire, President of the un-incorporated association known as the "Ottawa Anti-Tuberculosis Association," George S. MacCarthy, of the said City of Ottawa, physician, Vice-President of the said association, and George Burn, of the said City of Ottawa, Banker, one of the Executive Committee of the said association, acting on behalf of themselves and of all other members of the said association, or in the event of the said association becoming previously incorporated, then with such incorporated association, for the erection and furnishing upon the said land by and under the supervision of the said association of a hospital or sanitorium for the purposes aforesaid, in accordance with the plans already approved by the Provincial Board of Health and by the Medical Health Officer of the said Corporation and now in the possession of the said association, at a cost of not less than $30,000.

Hospital to be held by corporation.

3. The said hospital or sanitorium when completed and furnished as aforesaid and open and ready for the reception, care and treatment of patients, shall thereafter,

together with such additional buildings as may from time to time be erected by the said Corporation or the said association, be held by the said Corporation forever as a hospital or sanitorium for the purposes aforesaid and shall be forever maintained by the said Corporation for the said purposes in accordance with and subject to the provisions of this Act.

Joint committee of management.

4. The management of the said hospital or sanitorium, including all appointments to the staff thereof, shall be vested in a joint committee representing the said Corporation and the said association, composed of the members of the Board of Control for the time being of the said Corporation and four members to be appointed annually by the said association of which committee the mayor of the said City shall be the chairman and if at any time hereafter the membership of the Board of Control of the said Corporation shall be increased beyond its present number, then the respresentation of the said association on the said committee shall be increased by a corresponding number so that the number of representatives of the said association upon the said committee shall always be one less than the number for the time being of the members of the said Board of Control.

Annual estimates.

5. The annual estimate of expenditure to be made for and in connection with the said hospital or sanitorium shall be prepared and certified to the Council of the said Corporation by the Board of Control of the said Corporation under the provisions of section 277 of *"The Consolidated Municipal Act, 1903,"* and all appropriations, expenditures, contracts and purchases of supplies and material for or in connection with the said hospital or sanitorium shall be subject to and be governed by the provisions of the said section.

Provision for incorporation of association,

6. Should the said association become incorporated subsequent to the making of the agreement aforesaid, then all the covenants contained in the said agreement and the provisions of this Act, shall enure to the benefit of and be binding upon the said incorporated association.

Application of 63 V., c. 57, s. 11-18.

7. Save as otherwise expressly provided by this Act, sections 11, 12, 13, 14, 15, 16, 17 and 18 of Chapter 57 of the statutes for 1900, entituled *"An Act respecting Municipal Sanitoria for consumptives,"* shall *mutatis mutandis* form part of this Act and apply to the said hospital or sanitorium.

Rev. Stat. c. 205, s. 107 not to apply.

8. Section 107 of *"The Public Health Act,"* as amended by section 2 of Chapter 34 of the Statutes of 1902, entituled *"An Act to amend the Public Health Act,"* shall not apply

to the said hospital or sanitorium or to the regulation thereof.

Power to borrow $9,000.

9. The said Corporation may borrow by a special issue of debentures bearing interest at such rate as the said Corporation may determine and payable in 30 years from the date thereof a sum not exceeding $9,000 for the purpose of providing for the purchase of the land mentioned in section 1 of this Act and the cost of the construction of necessary drainage facilities in connection with the said hospital or sanitorium and a sum not exceeding $4,000 for the extension to the said hospital or sanitorium of the water works system of the said City without submitting any by-law in connection therewith to or having the assent thereto of the electors before the final passing thereof.

Special rate for payment of debentures.

10. For the payment of the debt and interest represented by the debentures authorized to be issued under section 9 hereof for the purpose of providing for the purchase of the land mentioned in section 1 hereof and the cost of the construction of necessary drainage facilties in connection with the said hospital or sanitorium there shall be annually raised, levied and collected by the said Corporation during the currency of the said debentures by an annual special rate upon the whole of the assessable property of the said Corporation according to the then last revised assessment roll thereof a sum sufficient to discharge the said debt and interest when the same shall be respectively payable.

Cost of extending waterworks system to sanatorium.

11. For the payment of the debt and interest represented by the debentures to be issued under the authority of section 9 hereof for the purpose of providing for the cost of the extension to the said hospital or sanitorium of the water works system of the said City, there shall be annually raised during the currency of the said debentures with the authority conferred upon the said Corporation in and by the Act passed in the year 1872, being chapter 80 of the statutes for that year, by the said Corporation from the water rates a sum sufficient to discharge the said debt and the interest thereon when the same shall respectively become due, such sum to be in addition to the money required to be raised to meet the charges for maintenance and of renewals in connection with the said water works and for the payment of the principal and interest of all debts heretofore authorized to be contracted for the purposes of the said water works or to be charged against the said water rates by any Act of this Legislature; but if at any time the money accruing from the said water rates shall prove insufficient for the purposes aforesaid, then, when and so often as the said deficiency shall occur there shall be raised, levied and collected by the said Corporation by a special rate upon the assessable property of the

said Corporation according to the then last revised assessment roll thereof a sum sufficient to make good such deficiency.

Money to be applied to the porposes for which they are borrowed.

12. The sums hereinbefore authorized to be borrowed shall when raised be used for the purposes hereinbefore mentioned and for no others.

No. 159.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the establishment in the City of Ottawa of a Hospital or Sanitorium for the reception, care and treatment of persons suffering from tuberculosis.

First Reading, , 1909.

(*Private Bill.*)

Mr. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 160 1909

BILL.

An Act respecting the Trusts of the Conveyance of certain lands to Trustees for "The Tabernacle Church."

Preamble.

WHEREAS by indenture dated the thirtieth day of June, 1906, and made between James Bishop and Robert McCauley, both of the City of Toronto, in the County of York, Builders, of the First Part, Capitola Bishop, of the said City of Toronto, wife of the said James Bishop, and Agnes McCauley, of the Second Part, and William Garside, Merchant, George Booth, Manufacturer, and Thomas Fussell, all of the said City of Toronto, the Trustees of the Tabernacle Church, Toronto, of the Third Part, and registered in the registry office for the Western Division of the said City of Toronto, on the fifth day of July, 1906, as registered number 27831 J; certain lands therein described were conveyed to the said Trustees pursuant to the provisions of Chapter 307 of the Revised Statutes of Ontario, intituled *An Act respecting the Property of Religious Institutes* upon certain trusts therein set out; and whereas amongst other trusts it was in said conveyance declared that if at any time hereafter from any cause, the number of members of the said Church, in good standing, shall fall below the number of twenty, such Church may by a four-fifths vote of the members present at any meeting duly called for that purpose, direct that a sale of the church property be made in accordance with the provisions of the said Chapter 307 of the Revised Statutes of Ontario, 1897, and the Trustees, for the time being, were thereby authorized to obey and should obey such direction, but in such case, the Church, by the same vote, should direct to what Foreign Missionary Society for the Propagation of the Gospel the Trustees, for the time being, should pay the proceeds of such sale, it being understood that the proceeds of such sale must be donated to a Foreign Missionary Society for the Propagation of the Gospel; and whereas subsequently to the said conveyance, the then Trustees of the said Tabernacle Church erected upon the

said lands, a church building and to raise funds for that purpose, mortgaged the said lands to secure the repayment of the same; and whereas certain members of the congregation of the said Tabernacle Church guaranteed repayment of the said mortgage and interest thereon and became liable for a sum in excess of the principal money secured by the said mortgage; and whereas at a meeting of the congregation of the said Tabernacle Church duly called according to the provisions therefor and held on the twentieth day of May, 1908, it was resolved that the trusts of the conveyance, hereinbefore referred to should be reformed so that in the event of a sale of the said lands, while the said guarantors remained liable for any sum under the said guarantee, or while any sum which they had paid thereunder remain unpaid to them, the purchase money on such sale should first be applied on repayment of the said mortgage and interest thereon or on repayment of the amount severally paid thereon by the said guarantors to the said guarantees or their heirs, executors, administrators or assigns and that the balance should be paid to a non-denominational Foreign Missionary Society for the Propagation of the Gospel; and whereas the Trustees of the said Tabernacle Church have prayed that the trusts of the said conveyance should be reformed; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Trusts of Conveyance reformed.

1. The trusts of the conveyance above referred to respecting the disposition of the proceeds of the lands therein described are hereby reformed so that the same shall be as follows:—

Disposition of proceeds of sale of lands.

And it is hereby further declared if at any time hereafter from any cause, the number of members of the said Church in good standing shall fall below the number of twenty, such Church may, by a four-fifths vote of the members present at any meeting duly called for that purpose, direct that a sale of the church property be made, in accordance with the provisions of said Chapter 307 of the Revised Statutes of Ontario, 1897, and the Trustees, for the time being, are hereby authorized to obey and shall obey such direction, and the proceeds of such sale shall be applied, first, in repayment of any mortgage upon the said church property together with interest thereon and any other sums which may be charged upon said property, second, in repayment of any sums which may have been paid by any surety or guarantor of any mortgage, charge or incumbrance upon the said church property to such sureties or guarantors rateable in case of there being a deficiency or to their

heirs, executors, administrators or assigns, and, lastly, the balance of such proceeds to such non-denominational Foreign Missionary Society for the Propagation of the Gospel as the members of the said church shall by vote at the time of directing a sale of said church property direct the same to be paid.

No. 160.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Trusts of the Conveyance of certain lands to Trustees for "The Tabernacle Church."

First Reading, March, 1909.

(*Private Bill.*)

Mr. McNAUGHT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 161 1909

BILL.

An Act respecting certain Municipal By-laws and Agreements.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. In this Act

"Public Utility." "Public Utility" shall have the same meaning as in *The Ontario Railway and Municipal Board Act, 1906*.

Council not to grant franchises, etc., without approval of electors.

2. The council of a municipality shall not grant to any individual or company the right to use or occupy any of the streets of the municipality or to construct or operate any railway, street railway or public utility in the municipality or to supply to the corporation for the purposes thereof water, gas, electric light, heat or power unless and until the by-law setting forth the terms and conditions upon which and the period for which such right is to be granted has been submitted to and has received the assent of the electors of the municipality in the manner provided in *The Consolidated Municipal Act, 1903*, with respect to by-laws requiring the assent of the electors.

3 Edw. VII., c. 19.

By-laws or agreements for not more than one year excepted.

3. Nothing herein shall apply to or affect any by-law or agreement which is expressly limited in its operation to a period not exceeding one year.

Act to apply to by-laws and agreements after 11th March, 1909.

4. Save as aforesaid this Act shall apply to every by-law, resolution or agreement passed or entered into after the eleventh day of March, 1909.

3 Edw. VII., c. 19, s. 568, subs 1, repealed.

5. Subsection 1 of section 568 of *The Consolidated Municipal Act, 1903*, is repealed.

No. 161.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting certain Municipal By-laws and Agreements.

First Reading, 11th March, 1909.

Mr. BECK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 161 BILL. 1909

An Act respecting certain Municipal By-laws and Agreements.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act Interpretation.

"Public Utility" shall mean and include water-works, gas-works, electric light, heat or power works or similar works operated under any general or special Act or under Letters Patent of the Province of Ontario. "Public Utility."

2. The council of a municipality shall not grant to any individual or company the right to use or occupy any of the streets of the municipality or to construct or operate any railway, street railway or public utility in the municipality or to supply to the corporation for the purposes thereof water, gas, electric light, heat or power unless and until the by-law setting forth the terms and conditions upon which and the period for which such right is to be granted has been submitted to and has received the assent of the electors of the municipality in the manner provided in *The Consolidated Municipal Act, 1903*, with respect to by-laws requiring the assent of the electors. Council not to grant franchises, etc., without approval of electors. 3 Edw. VII., c. 19.

3. This Act shall not apply to, Exception as as to certain by-laws and agreements.

(*a*) Any right granted to or authorized to be done by a railway company without the consent of the municipality, by or under the provisions of *The Railway Act of Canada* or *The Railway Act of Ontario;*

(*b*) A by-law conferring upon an individual or company, the right of passing through the municipality for the purpose only of continuing a line, work or system which is intended to be operated

in and for the benefit of another municipality and is not to be used or operated in the municipality for any other purpose than as such connecting link;

(*c*) A by-law or agreement conferring upon an individual or company the right of constructing, using and operating such works as may be required for the transmission of oil, natural gas or water not intended for sale in the municipality granting such right;

(*d*) A by-law or agreement which is expressly limited in its operation to a period not exceeding one year.

Act to apply to by-laws and agreements after 11th March, 1909.

4. Save as aforesaid this Act shall apply to every by-law, resolution or agreement passed or entered into after the *sixteenth* day of March, 1909.

3 Edw. VII., c. 19, s. 568, subs. 1, repealed.

5. Subsection 1 of section 568 of *The Consolidated Municipal Act, 1903*, is repealed.

No. 161.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting certain Municipal By-laws and Agreements.

First Reading, 11th March, 1909.
Second Reading, 16th March, 1909.

(Reprinted as amended in Committee of the Whole House).

Mr. BECK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 162 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10*a* of *The Assessment Act*, enacted by section 1 of *The Assessment Amendment Act, 1907*, is repealed. 7 Edw. VII, c. 41, s. 1, repealed.

No. 162.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

1st Reading, 11th March, 1909.

Mr. EILBER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 163 1909

BILL.

An Act respecting the Town of Aurora.

WHEREAS the Municipal Corporation of the Town of Aurora has by its petition represented that the said Corporation has incurred a floating debt amounting to $3,600, made up as follows: Repair of damages caused by a cave-in around one of the artesian wells, $2,000; expenses of outbreak of smallpox, $800, and purchase of land for site for Columbia Powder Company, Limited, $800, and that it is desirable that authority should be granted to pay off the floating debt by an issue of debentures extending over twenty years; that owing to a breakage in one of the artesian wells belonging to the said Corporation a sufficient supply of water cannot be obtained and it has become necessary to sink a new well at a cost of $1,200, and that power should be given to issue debentures to cover such cost; that the said Corporation did on the 18th day of December, 1908, enter into an agreement with the Columbia Powder Company, Limited for the establishment of a factory in the said town to manufacture and compound explosives at a cost of not less than $1,000, the Company agreeing to employ not less than 20 employees after the first year of operation upon the condition that the said Corporation would lease certain lands to the said Company and exempt the property of said Company from all taxes, except for school purposes, for a period of ten years; and whereas it is desirable that the said agreement and the said purchase of land should be confirmed; and whereas the members of the council of the said town are unanimously in favour of the said agreement; and whereas no opposition has been offered to the said petition; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to borrow $3,600 to pay floating debt.

1. The Municipal Corporation of the Town of Aurora may pass a by-law or by-laws to borrow upon a special issue of debentures bearing interest at a rate not exceeding 6 per cent. per annum payable yearly, a sum not exceeding $3,600 to pay the amount of its floating debt, the particulars of which are set out in the preamble hereof.

Power to borrow $1,200 for cost of new Artesian Well.

2. The said Corporation may pass a by-law or by-laws to borrow upon a special issue of debentures bearing interest at a rate not exceeding 6 per cent. per annum, payable yearly, a sum not exceeding $1,200 to pay the cost of constructing and sinking a new artesian well.

Debentures, how payable.

3. A portion of the debentures authorized to be issued under the authority of this Act shall be made payable in each year for a period of not more than twenty years from the day of the date of the respective issues thereof and so that the aggregate amount to be levied and payable for the principal and interest in any one year in respect of any debt contracted under this Act by any issue of debentures shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which such debt is to be discharged.

Special rate.

4. The said Corporation shall levy in each year on the whole rateable property in the said town in addition to all other rates to be levied a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act.

Assent of electors not required.

5.—(1) It shall not be necessary to obtain the assent of the ratepayers to the passing of any by-law for the issue of debentures under the authority of this Act, or to observe any of the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1903*, or any amendments thereto.

Irregularity in form not to invalidate.

(2) No irregularity in the form of the said debentures or of any by-law authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures or interest or any or either of them or any part thereof.

Purchaser of of debentures not bound to see to application of proceeds of debentures.

(3) The purchaser or holder of the said debentures shall not be bound to inquire as to the necessity for the passing of any such by-law or of the issue of such debentures or as to the application of the proceeds thereof.

Application of moneys borrowed.

6. The sums hereinbefore authorized to be borrowed shall, when raised, be used for the respective purposes hereinbefore mentioned and no others.

7. The agreement dated the 18th day of December, 1908, made between the said Corporation and the Columbia Powder Company, Limited, and set out as Schedule "A" hereto is confirmed and declared to be legal, valid and binding on the said Corporation and the ratepayers thereof and on the said Company. Agreement with Columbia Powder Co. confirmed.

8. The purchase by the said Corporation of the following lands, that is to say, all and singular that certain parcel or tract of land and premises situate, lying and being partly in the Town of Aurora and partly in the Township of Whitchurch and being composed of part of original Lot Number Seventy-nine on the east side of Yonge Street and east of the Grand Trunk Railway, comprising three acres, more or less, and described as follows: Commencing at a point where the northerly limit of said Lot Number Seventy-nine meets the easterly limit of the Grand Trunk Railway Company's land, thence easterly along the said northerly limit nineteen chains, more or less, to the land of one James Hill, thence south along the westerly limit of said land one chain and fifty-eight links to a post, thence west parallel to said northerly limit of Lot Number Seventy-nine, nineteen chains, more or less, to the easterly limit of the Grand Trunk Railway Company's land, thence north along said easterly limit one chain, fifty-eight links, more or less, to the place of beginning being the lands mentioned in the said agreement, is hereby validated and confirmed. Purchase of certain lands confirmed.

SCHEDULE "A."

This Indenture made in duplicate the 18th day of December, 1908, by and between The Columbia Powder Company, Limited, hereinafter called the "Manufacturers," Party of the First Part, and The Municipal Corporation of the Town of Aurora, hereinafter called the "Corporation," Party of the Second Part.

Whereas the said Manufacturers are a corporation incorporated under and by virtue of the laws of the State of Ohio, one of the United States of America;

And whereas the said Manufacturers were on the 30th day of September, 1908, granted a license for the Province of Ontario, to manufacture and compound explosives, and to sell at wholesale and retail the explosives so manufactured and compounded, to buy and to sell at wholesale and retail all varieties of explosives, their compounds, and the ingredients used in the manufacture of explosives and their compounds;

And whereas the said Manufacturers have made an application to the Corporation of the Town of Aurora, Ontario, to establish within the municipality a factory for the carrying on of any part of or all of the business which by their charter they are empowered to do;

And whereas the said Corporation has agreed to lease to the said Manufacturers the following described lands and premises, being all and singular that certain parcel or tract of land and premises,

situate, lying and being partly in the Town of Aurora, and partly in the Township of Whitchurch, and being composed of part of original lot number seventy-nine, on the east side of Yonge Street, and east of the Grand Trunk Railway, comprising three acres, more or less, and described as follows: Commencing at the point where the northerly limit of said lot number seventy-nine meets the easterly limit of the Grand Trunk Railway Company's land, thence easterly along the said northerly limit nineteen chains, more or less, to the land of one James Hill; thence south along the westerly limit of said land one chain and fifty-eight links to a post; thence west, parallel to said northerly limit of lot number seventy-nine, nineteen chains more or less, to the easterly limit of the Grand Trunk Railway Company's land; thence north along said easterly limit one chain fifty-eight links, more or less, to the place of beginning, for the term of twenty-one years from the date hereof, at an annual rental of one dollar, for the purpose of erecting and constructing thereon any and all buildings which may be necessary or convenient, and of any material which the Manufacturers may desire, for the purpose of carrying out the powers granted to them under their charter as aforesaid;

And whereas the said Corporation has further agreed in consideration of the erection of the plant herein mentioned, to exempt said Manufacturers from any and all taxes, levies, rates and assessments (save and except school taxes), for a period of ten years from the date hereof, and also to furnish said Manufacturers with all water which they may require in the erection of and operation of their plant for the said period of ten years, and to lay, maintain and repair such water pipes and water mains to their said plant as may be necessary to supply said building or buildings erected upon said premises with water, free from all costs and charges, upon the terms and conditions hereinafter set forth;

Now, therefore this agreement witnesseth, that the said Manufacturers and Corporation have mutually agreed one with the other as follows—

1. The Corporation agrees to and by these presents, does hereby lease to the said manufacturers, their successors and assigns for a period of twenty-one years from the date hereof at an annual rental of one dollar, the following described lands and premises, to wit—Being all and singular that certain parcel or tract of land and premises situate, lying and being partly in the Town of Aurora, and partly in the Township of Whitchurch, and being composed of part of original lot number seventy-nine on the east side of Yonge Street, and east of the Grand Trunk Railway, comprising three acres more or less, and described as follows:—Commencing at the point where the northerly limit of said lot number seventy-nine meets the easterly limit of the Grand Trunk Railway Company's land; thence easterly along the said northerly limit nineteen chains, more or less, to the land of one James Hill; thence south along the westerly limit of said land one chain and fifty-eight links to a post; thence west, parallel to said northerly limit of lot number seventy-nine, nineteen chains more or less, to the easterly limit of the Grand Trunk Railway Company's land; thence north, along said easterly limit, one chain fifty-eight links, more or less, to the place of beginning.

2. The said Corporation further agrees to furnish the said Manufacturers with all water which they may require in the erection and operation of their plant for a period of ten years from the date hereof, and to lay, maintain and keep in repair, any and all pipes and water mains as may be necessary to supply said building or buildings erected upon said premises with water free from all costs and charges; the said pipe or pipes to be laid by said Corporation, to connect said building or buildings with the water mains used in supplying said town with water.

3. The said Corporation further agrees to exempt said Manufacturers from any and all taxes, levies, rates and assessments (save and except school taxes), for a period of ten years from the date of these presents.

4. The said Manufacturers agree that they will on or before the 1st day of January, 1909, commence the erection, upon the site hereinbefore described, of a factory suitable for the manufacture of explosives, and at a cost and to the value of not less than $1,000, and that they will also equip said factory with all necessary machinery that may be required for the purpose of manufacturing explosives, the said factory to be complete and fully equipped for manufacturing purposes on or before the 1st day of July, 1909.

5. The said Manufacturers further agree that the said factory will be of sufficient extent and capacity to require the employment of, at least ten employees.

6. The said Manufacturers further agree that they will carry on the business of manufacturing explosives and other compounds in their said factory in the said Town of Aurora for a period of twenty-one years from the date of this agreement, unless in the case of fire, accident, strikes, act of God, or for any other cause over which said Manufacturers have no control, and in any such case operation or work shall be resumed as soon as possible thereafter, not exceeding three months in case of total loss by fire or explosion.

7. The said Manufacturers agree with the Corporation that they will, during the first year their factory is in operation employ at least ten hands, and every year thereafter during the continuance of this lease, employ not less than twenty employees in and about said factory.

8. Said factory shall be operated at least ten months in every year except in the event of the happening of fire or other cause as set forth in paragraph six of this agreement, and all employees shall be residents of the Town of Aurora, and the said Manufacturers agree that on demand by the clerk or mayor of the Corporation at any time they will make a statutory declaration showing the number of hands employed by them. It is understood, however, that the Manufacturers shall not be compelled to employ the number of hands required herein during any stoppage or interruption of the works as provided for in paragraph six of this agreement.

9. It is understood and agreed if at any time any part of said factory, lands, buildings, plant and appliances used in connection with said manufacturing business, shall cease to be used by said Manufacturers in their said business, that such part of said factory, lands, buildings, plant and other appliances as shall so cease to be used by them in said manufacturing business or in connection therewith shall be assessed separately, and full taxes shall be paid thereon to the said Corporation so long as they shall cease to be used in said manufacturing business.

10. The said Manufacturers further agree that they will at all times well and truly save, defend and keep harmless and fully indemnify the said Corporation from any and all losses, costs, charges, damages and expenses to property from explosion or otherwise owned by said Corporation as a result of the establishment and operation of said factory within the municipality.

11. The said Manufacturers hereby agree to carry out and faithfully perform all the terms, conditions and provisions of this agreement and upon default or violation thereof the Corporation may, at its option, terminate and cancel said lease upon thirty days' notice to said Manufacturers, and in the event of the termination of said lease by said Corporation as aforesaid all the buildings erected upon the demised premises shall become the property of the Corporation, provided, however, that said Manufacturers may at any time before the expiration of the thirty

days' notice herein mentioned, relieve themselves from the operation of said forfeiture of their plant by purchasing from said Corporation the lands herein leased to them for the sum of $600.00 to be paid said Corporation.

12. It is further agreed by and between the parties hereto, that at any time during the continuation of this lease or any renewal period thereof, the Manufacturers may purchase the property herein described from the said Corporation for the sum of six hundred dollars ($600.00), and in the event of such purchase before the expiration of the ten years mentioned herein, the said Manufacturers shall be entitled to the same exemption with regard to taxes and the use of water that they would have should they elect to continue under this lease for the said period of ten years, and shall also be subject to the other conditions so far as the same affect the Corporation.

13. It is further agreed that the Manufacturers may at their option have a renewal of this lease for a further period of twenty-one years from the expiration thereof, at the same rental and under the same conditions as herein set forth.

14. At the expiration of this lease or any renewal period thereafter the Manufacturers shall have the right to remove any and all buildings erected by them upon the premises herein described within a reasonable time from the expiration of this lease or any renewal period thereafter.

In witness whereof the parties hereto have set their hands and seals in duplicate the day and year first above written.

Signed, sealed and delivered
in the presence of
Witness:
FRANK BUTLER. (Seal).

COLUMBIA POWDER COMPANY.
M. J. HOYMS,
President.
WM. J. REILLY,
Secretary.

W. J. BALDWIN,
Mayor. (Seal).
S. H. LUNDY,
Clerk.

No. 163.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Town of Aurora.

First Reading, March, 1909

(*Private Bill.*)

Mr. LENNOX.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 164 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 102 of *The Assessment Act* is amended by adding after the word "collector" in the 5th line, the words "or into a chartered bank or banks having an office, or offices, situate in the County and named in such By-law." 4 Edw. VII., c. 23, s. 102, amended.

No. 164

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 12th March, 1909.

Mr. CRAIG

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 165 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 71*a* of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following proviso: Provided always that in case any such town is situated within an Unorganized Territory, the council may by a vote of two-thirds of its members on or before the first day of November, in any year, pass a by-law increasing the members of such council to a number not exceeding nine, and, notwithstanding anything in this section contained, it shall not be necessary to submit any such by-law to the people for their approval, and any such by-law so passed, shall come into effect at the next annual municipal election following the passing thereof. 3 Edw. VII. c. 190, s. 71*a*, subs. 1 amended.

No. 165.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th March, 1909.

Mr. MOREL.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 166 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Paragraph 8 of section 580 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:— 3 Edw. VII, c. 19, s. 580, par. 3

"For preventing and regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers. For the purpose of this subsection 'wholesaler' shall include any one directly or indirectly purchasing or acquiring such things for re-sale."

No. 166.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th March, 1909.

Mr. SULMAN.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 167 **BILL.** 1909

An Act to amend The Liquor License Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsections 4, 5 and 6 of section 24 of the Act passed in the sixth year of His Majesty's reign, Chaptered 47, intituled *An Act to amend the Liquor License Laws* are amended by striking out of said subsections the word "three-fifths" wherever it occurs therein and by substituting therefor in every such case "a majority." 6 Edw. VII. c. 47, s. 24. subs. 4, 5, 6, amended.

2. Subsection 6 of section 24 of the said Act is further amended by striking out all the words after the word "thereafter" in the eleventh line of the said subsection. 6 Edw. VII. c. 47, s. 24, subs. 6, amended.

No. 167.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Liquor License Act.

First Reading, 12th March, 1909.

Mr. PROUDFOOT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 168 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section: 3 Edw. VII. c. 19 amended.

Voting on by-laws granting franchises.

389*a*.—(1) Notwithstanding anything herein, or in any other statute contained to the contrary, any by-law of a city granting, amending, renewing, extending, or authorizing the granting, amending, renewing or extending of any franchise or right (except rights or privileges determinable at any time at the option of the city) to occupy or use the streets, highways, bridges, or public places in the city for any purpose, may, before the final passing thereof, be submitted to the electors of the municipality in the manner provided for in section 338 and following sections of this Act, and the provisions of the said sections shall, *mutatis mutandis*, apply to the voting on such by-law, except that each elector shall be entitled to vote once only, as provided in the case of voting for Mayor.

Period to elapse between second and third readings.

(2) Not less than sixty days shall elapse between the second and third readings of any such by-law in the City Council. If within sixty days after the second reading no petition be presented as hereinafter referred to, the by-law may then be given its third reading.

Petition for submission of by-law to electors.

(3) If within sixty days after the second reading of such by-law a petition signed by not less than five thousand electors of the city be presented to the Mayor, Acting Mayor, or City Clerk, requesting that a vote of the electors of the said city be taken on such by-law, such vote shall be taken accordingly, and the third reading of the by-law shall be postponed to await the decision of the electors as expressed in such vote.

When vote may be taken.

(4) The vote of the electors shall be taken either at the next general municipal election if the same shall occur within 60 days from the receipt of such petition, or if not then, on a day to be fixed within 60 days from the receipt of such petition.

Council to comply with result of vote.

(5) The decision of the electors as expressed in such vote shall be binding and mandatory upon the City Council. If a majority of the electors voting thereon vote for the by-law, the City Council shall at its next regular or special meeting read the by-law a third time and pass it. If a majority of the electors voting thereon vote against the by-law, then the by-law shall be null and void, and shall not go to a third reading in the City Council.

Form of petition.

(6) The petition referred to in subsection 3 shall be on separate sheets, approximately uniform in size, and not smaller than ordinary foolscap. Each sheet shall contain a printed heading, setting forth clearly the object of the petition. Each sheet shall also contain lines upon which the names and addresses of signatories may be written, each line being numbered in sequence at the left-hand side, beginning with the figure "1" on the top line. The number of such lines upon each sheet shall not be less than ten, nor more than fifteen. At the foot of each sheet shall be a special line or lines headed by the words "Witness to the above signatures." This line or lines must be filled in by the name and address of the person who obtained the signatures on the sheet, otherwise the sheet may be rejected. And such person may be called on by the City Clerk, or other proper official, to make an affidavit or statutory declaration of the genuineness of the signatures to which he or she is a witness. The presentation of a petition duly witnessed as above shall be *prima facie* proof of its genuineness; but the City Council may order such reasonable verification of signatures as they may deem necessary. Persons presenting the petition may be required to make an affidavit, or statutory declaration, that to the best of their knowledge and belief the signatures in the petition are genuine.

"Electors," meaning of.

(7) The term "Electors" used in this section shall mean the electors qualified to vote for Mayor.

3 Edw. VII c.19, s. 484 amended.

2. Section 484 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:

Regulating traffic.

(6) The Board of Commissioners of Police in cities may make regulations governing parades or processions on highways, and may from time to time, and as occasion may require, make regulations for the routes of travel to be observed by all vehicles, horses and persons upon the highways, and for preventing the obstruction of the high-

ways in all times of public processions or public demonstrations, and may also give directions to the Police Constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions or times when the highways may be thronged, or liable to obstruction, and may attach penalties for the enforcement of such regulations, and the orders and directions of the police constables thereunder, which penalties may be recovered in the manner provided by law in the case of by-laws passed by such Boards of Police Commissioners.

8 Edw. VII c. 48 s. 11 repealed.

3. Section 11 of *The Municipal Amendment Act, 1908*, is hereby repealed.

3 Edw. VII c. 19 amended.

4. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:

Fair wages clause.

326*a*. The council of any city, having a population of 100,000 inhabitants, or over, in making contracts for works, payable either as local improvements, or out of the general funds of the municipality, may insert therein such provisions as the council may think proper to secure the payment of reasonable wages to the workmen employed on such contracts, and to insure that the said workmen shall not be compelled to work more than a certain number of hours in each or any day. Such provisions shall be binding on the contractor and the workmen employed by him, and the council shall have power to enforce compliance with the same.

3 Edw. VII c. 19 amended.

5. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following section:—

Taking more land than required.

534*a*. Whenever a municipal corporation can expropriate land in virtue of any power conferred upon it by this Act, and it appears to the council of the said corporation that it can acquire a larger quantity of land from any particular owner at a more reasonable price on the average, or on terms more advantageous than those upon which it could obtain the portion thereof immediately required by it for its purposes, it may take such larger quantity and may afterwards sell and dispose of the part of such land which is unnecessary for its purposes.

3 Edw. VII c. 19 s. 541*a* amended.

6. Section 541*a* of *The Consolidated Municipal Act, 1903*, is amended by striking out subsection (*a*) and inserting the following in lieu thereof:—

3 Edw. VII, c. 19, s. 541a, amended.

(*a*) To regulate and limit the distance from any street at which buildings, or any particular class or classes of buildings, may be built. Such by-laws may be of general application to the whole

municipality, or may designate portions thereof, or streets or portions thereof, and such distance may be varied upon different streets, or on different parts of the same street.

3 Edw. VII. c. 19, s. 541*a*. sub-s. (*b*). amended.

7. Subsection (*b*) of section 541*a* of *The Consolidated Municipal Act, 1903*, as enacted by section 19 of *The Municipal Amendment Act, 1904*, is amended by inserting after the word "only" in the first line thereof, the words "to prevent the location, erection or use of buildings, except for the purpose of private dwellings, or,"

3 Edw. VII. c. 19, s. 553 par. 1, amended.

No building except on public street.

8. The paragraph numbered 1 in section 553 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words, "and for preventing the erection of dwellings, or the alteration of other buildings for such purpose, unless the same front on a street which has been duly laid out and accepted by the municipality as a public highway."

3 Edw. VII, c. 19, amended.

9. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following section:—

Guarantee of work.

679*a*. In entering into a contract for the construction of a pavement or sidewalk as a local improvement, a municipality may require a contractor to guarantee that he shall so construct the same that it shall for a period, not exceeding ten years, remain in good condition and suitable for safe and comfortable travel thereon, and that he will, when required, make good any imperfections therein due to materials, workmanship or construction. In case the municipality itself constructs a pavement, or other work as a local improvement, it may add to the actual cost thereof, and assess against the properties benefited, an amount not exceeding ten per cent. of the actual cost as a guarantee of the perfect execution of the work in addition to the proper charges made for use and depreciation of the construction plant. In case the amount so estimated and assessed for such guarantee fund is not expended during the period usually guaranteed by contractors in case of such a work, the municipality may pay the balance into a general fund for repairs of similar works.

3 Edw. VII., c. 19, s. 532, par. 2, amended.

10. Subsection (*c*) of paragraph 2 of section 532 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "and" in the fourth line thereof, the words "a notice thereof to be approved of by the Judge, shewing the proposed change or changes."

3 Edw. VII., c. 19, s. 596, amended.

11. Section 596 of *The Consolidated Municipal Act, 1903*, as amended by section 19 of *The Municipal Amendment Act, 1907*, is further amended by striking out the word "Ontario" where it occurs therein.

12. Subsection (1) of section 668 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "such final determination" in the 13th and 14th lines thereof, and inserting in lieu thereof the words "being affixed thereto." 3 Edw. VII., c. 19, s. 668, subs. (1), amended.

13. Subsection (3) of section 669 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "such final determination" in the 5th line thereof and inserting in lieu thereof the words "being affixed thereto." 3 Edw. VII., c. 19, s. 669, amended.

No. 168.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 12th March, 1909.

Mr. McNAUGHT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 169 **BILL.** 1909

An Act respecting The Canada Central Railway Company.

WHEREAS The Canada Central Railway Company has by petition set forth that, by an Act passed in the second year of the reign of His Majesty, Chaptered 69, intituled "An Act to incoporate The Canada Central Railway Company," the time for the commencement of the said railway was fixed at three years, and the time for completion at seven years, from the date of the said Act; and whereas by an Act passed in the third year of the reign of His Majesty, Chaptered 92, intituled "An Act to amend the Act incorporating The Canada Central Railway Company," the said Company was authorized to lay out, construct and operate the lines of railway therein mentioned; and whereas by an Act passed in the fifth year of the reign of His Majesty, Chaptered 90, intituled "An Act respecting The Canada Central Railway Company," the said Company was authorized to construct and operate lines of railway in addition to those it was already authorized to lay out, construct and operate; and whereas the respective times fixed by said Act of Incorporation for the commencement of said railway, and the completion thereof, were changed by the said last mentioned amending Act, which provided for the commencement of construction within one year and for completion of the said railway within three years, from the date of said amending Act, and thereby reduced by one year the time fixed for the said completion; and whereas large sums of money have been expended in connection with the commencement and construction of the said lines of railway; and whereas by an Act passed in the eighth year of the reign of His Majesty, Chaptered 122, intituled " An Act respecting The Canada Central Railway Company," it was provided that the said Company should prove to the satisfaction of the Ontario Railway and Municipal Board on or before the 15th day of August, 1908, that the said Company had expended, or had made satisfactory arrangements to expend, Preamble.

a sufficient sum of money on the construction of the line of the said Company's railway from Sudbury to Little Current as should make it manifest to the said Board that the said Company would complete the said railway from Sudbury to Little Current within the time limited by the said Act, and that subject to the said provisions the respective times for completion of the said Company's railway, and of the part thereof between Sudbury and Little Current, should be extended as therein provided; and whereas owing to the financial stringency and to other causes, the said Company has been unable to comply with the provisions of the said last mentioned Act; and whereas it is necessary that the time for compliance with the provisions of the said Act, and for the completion of the said Company's railway and of the part thereof between Sudbury and Little Current should be extended; and whereas the said Company has by its said petition prayed that an Act may be passed for the purposes set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

8 Edw. VII. c. 122, s. 1, amended.

1. Section 1 of the Act passed in the eighth year of His Majesty's reign, Chaptered 122, is amended by substituting for the words "15th day of August, 1908," in the third line thereof, the words "1st day of December, 1909."

8 Edw. VII. c. 122, s. 2, amended.

2. Section 2 of the said Act is amended by substituting for the word "five" in the fourth line thereof, the word "seven" and for the word "five" in the seventh line thereof, the word "seven."

Rights not affected by noncompliance with Act.

3. None of the rights granted to the Company by the aforesaid Acts or by this Act shall be deemed to have been forfeited by reason of the noncompliance by the Company with the provisions of section 1 of the said Act, passed in the eighth year of His Majesty's reign, Chaptered 122.

No. 169.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting The Canada Central Railway Company.

First Reading, 1909.

(*Private Bill.*)

Mr. PRATT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 169 **BILL.** 1909

An Act respecting the Canada Central Railway Company.

Preamble.

WHEREAS The Canada Central Railway Company has by petition set forth that, by an Act passed in the second year of the reign of His Majesty, Chaptered 69, intituled "An Act to incoporate The Canada Central Railway Company," the time for the commencement of the said railway was fixed at three years, and the time for completion at seven years, from the date of the said Act; and whereas by an Act passed in the third year of the reign of His Majesty, Chaptered 92, intituled "An Act to amend the Act incorporating The Canada Central Railway Company," the said Company was authorized to lay out, construct and operate the lines of railway therein mentioned; and whereas by an Act passed in the fifth year of the reign of His Majesty, Chaptered 90, intituled "An Act respecting The Canada Central Railway Company," the said Company was authorized to construct and operate lines of railway in addition to those it was already authorized to lay out, construct and operate; and whereas the respective times fixed by said Act of Incorporation for the commencement of said railway, and the completion thereof, were changed by the said last mentioned amending Act, which provided for the commencement of construction within one year and for completion of the said railway within three years, from the date of said amending Act, and thereby reduced by one year the time fixed for the said completion; and whereas large sums of money have been expended in connection with the commencement and construction of the said lines of railway; and whereas by an Act passed in the eighth year of the reign of His Majesty, Chaptered 122, intituled " An Act respecting The Canada Central Railway Company," it was provided that the said Company should prove to the satisfaction of the Ontario Railway and Municipal Board on or before the 15th day of August, 1908, that the said Company had expended, or had made satisfactory arrangements to expend,

a sufficient sum of money on the construction of the line of the said Company's railway from Sudbury to Little Current as should make it manifest to the said Board that the said Company would complete the said railway from Sudbury to Little Current within the time limited by the said Act, and that subject to the said provisions the respective times for completion of the said Company's railway, and of the part thereof between Sudbury and Little Current, should be extended as therein provided; and whereas owing to the financial stringency and to other causes, the said Company has been unable to comply with the provisions of the said last mentioned Act; and whereas it is necessary that the time for the completion of the said Company's railway and of the part thereof between Sudbury and Little Current should be extended, subject to the provisions hereinafter contained; and whereas the said Company has by its said petition prayed that an Act may be passed for the purposes set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Time for commencement and completion. Conditions of extension.

1. The construction of the line of the said Company's railway from Sudbury to Little Current shall be commenced not later than the 1st day of July, 1909, and on or before the said date the said Company shall prove to the satisfaction of The Ontario Railway and Municipal Board that it has made satisfactory arrangements fully to complete the said line and after the said 1st day of July, 1909, the said Company shall expend in actual construction of the said line of the Company's railway at least twenty-five thousand dollars ($25,000) each month until the construction of the said line is completed, of which expenditure at least one-half shall be expended on the southwesterly part thereof extending northeasterly from Little Current; provided always that the said line shall be fully completed by the 1st day of July, 1911.

8 Edw. VII, c. 122, ss. 1, 2, repealed.

2. Sections one and two of the Act passed in the eighth year of His Majesty's reign, Chaptered 122, are hereby repealed.

5 Edw. VII, c. 90, s. 2, repealed.

3. Section two of the Act passed in the fifth year of His Majesty's reign, Chaptered 90, is hereby repealed.

Rights not affected by noncompliance with Act.

4. None of the rights granted to the Company by the aforesaid Acts or by this Act shall be deemed to have been forfeited by reason of the non-compliance by the Company with the provisions of section 1 of the said Act, passed in the eighth year of His Majesty's reign, Chaptered 122.

No. 169.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Canada Central Railway Company.

First Reading, 19th March, 1909.

Reprinted as amended by sub-committee for the Railway Committee.

Mr. PRATT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 170 1909

BILL.

An Act to incorporate the Toronto West End Young Men's Christian Association.

Preamble.

WHEREAS under and by virtue of the Statutes incorporating the Toronto Young Men's Christian Association, passed in the 31st and 53rd years of the reign of Her late Majesty Queen Victoria, and Chaptered 59, and 147 respectively, a branch of the said Association was formed and has been carried on for some years under the name of the West End Branch of the Toronto Young Men's Christian Association; and whereas the work of the said branch can be carried on with greater permanency and efficiency if incorporated; and whereas J. J. Copeland, W. M. Wallace, Walter Harland Smith, and A. J. Keeler, officers and members of the committee of the said branch, acting on behalf of and by the instruction of the said committee and with the approval of the said Toronto Young Men's Christian Association, have by petition prayed to be incorporated with power to acquire and hold freehold or leasehold or other interests in real estate and other property for the purposes of the Association and with other powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. S. J. Moore, Thomas Findley, J. J. Copeland, Andrew Bates, W. J. Lind, J. B. Hay, S. Henderson, A. J. Keeler, W. H. Scott, E. H. A. Watson, Walter Price, George Glendenning, Walter Harland Smith, Charles Bauckham, H. Brines, W. M. Wallace and D. E. Hughes and such other persons as are now or shall hereafter become members of the said Association, shall be and they are hereby constituted a body politic and corporate under the name of the "Toronto West End Young Men's Christian Association," and shall have power to acquire and hold real estate in the

City of Toronto or any leasehold or other interest therein, provided the annual value of the real estate so acquired or held and not actually used for the work of the said Association does not exceed at any one time $10,000, and the same or any part thereof to alienate, mortgage, lease or otherwise charge or dispose of as occasion may require, and may also acquire any other real estate or interest therein (so as that the annual value of the same shall not at any one time exceed $5,000) by gift, devise or bequest if made at least six months before the death of the party making the same, and may hold such estate or interest therein for a period of not more than seven years, and may within that period alienate or dispose of the same; and the proceeds of such estate or interest therein as shall have been so alienated or disposed of shall be invested in public securities, county or municipal debentures, or other approved securities for the use of the said Corporation; and such estate or interest therein as may not within the said period have been alienated or disposed of may be forfeited to the Crown.

Not to trade in real estate.

2. Nothing herein contained shall authorize the said Corporation to engage in the business of trading in real estate.

Constitution and by-laws.

3. The constitution and by-laws of the said branch Association, prior to its incorporation and under which the said Association has been conducted, are and shall continue to be the constitution and by-laws of the said Association, but they or any of them may be added to or repealed and others substituted therefor.

Directors.

4. The Corporation may by by-law provide for, the number of directors and as to their qualification, mode of election and the time for which they shall hold office, and may by by-law from time to time increase or decrease such number.

Officers.

5. The officers of the said branch at the time of the passing of this Act shall be the officers of the said Corporation and shall retain their respective offices until others shall be elected in their place.

Conveyance of property.

6. The Toronto Young Men's Christian Association shall, as soon as may be after the passing of this Act, convey to the said Corporation the real estate and personal property occupied and used by the said Corporation.

Object of corporation.

7. The object of the said Corporation shall be the spiritual, mental, social and physical improvement of young men by the maintenance and support of meetings, lectures, reading rooms, library, gymnasiums and such other means as may from time to time be determined upon.

Technical education.

8. The said Corporation shall have power to establish a system of technical education, including such branches of science and development of such of the industrial arts or other lines of education, as the Board of Directors of the said Corporation may from time to time determine.

Exemption from taxation.

9. The buildings, lands and equipment of the said Corporation, so long as and to the extent to which they are occupied by and used for the purposes of the said Corporation, are declared to be exempted from taxation, except for local improvements and school purposes.

Contracts, negotiable instruments, etc.

10.—(1) Every contract, agreement, engagement or bargain made and every bill of exchange drawn or accepted, and every promissory note and cheque made or drawn on behalf of the said Corporation by the President, Vice-President, Financial Secretary and Treasurer of the Corporation, or any two of them, in general accordance with their powers as such under the by-laws of the Corporation, shall be binding upon the Corporation, (but promissory notes or cheques payable to the order of the Corporation may be endorsed by either of these officers), and in no case shall it be necessary to have the seal of the Corporation affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any special by-law or special vote or order; nor shall the party so acting within his authority as agent, officer, or servant of the Corporation be thereby subjected individually to any liability whatsoever in respect thereof.

(2) Nothing in this section shall be construed to authorize the Corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank.

Personal estate to be held as though not directed to be laid out in purchase of land.

11. Any personal estate by will directed to be laid out in the purchase of land to or for the benefit of the Corporation shall, except as hereinafter provided, be as valid and as capable of being held to or for the benefit of the Corporation as a bequest of personal estate would be by a will containing no direction to lay it out in the purchase of land.

Judge of High Court may sanction retention or acquisition of land.

12. The High Court, or a Judge thereof sitting in chambers, if satisfied that land devised by will to or for the benefit of the Corporation, or proposed to be purchased out of personal estate by will directed to be laid out in the purchase of land, is required for actual occupation for the purposes of the Corporation and not as an investment, may by order sanction the retention or acquisition, as the case may be, of such land.

No. 170.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to incorporate the Toronto West End Young Men's Christian Association.

First Reading, , 1909.

(*Private Bill.*)

Mr. McPherson.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 171 **BILL.** 1909

An Act respecting Truancy and Compulsory School Attendance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *"The Truancy Act."*

Interpretation.

2. In this Act—

"Inspector."

(*a*) "Inspector" shall mean an inspector of public or separate schools;

"Principal."

(*b*) "Principal" shall mean the head teacher of a public, separate or private school. R.S.O. 1897, c. 296, s. 1.

"Regulations."

(*c*) "Regulations" shall mean regulations made under the authority of *The Department of Education* Act;

"School"

(*d*) "School" shall mean a public or a separate school or a private school at which instruction is given regularly in reading, spelling, writing, grammar, geography and arithmetic.

Children from 8 to 14 to attend school.

3. Every child between eight and fourteen years of age shall attend school for the full term during which the school of the section or municipality in which he resides is open each year, unless excused for the reasons hereinafter mentioned. R.S.O. 1897, c. 296, s. 2.

Duty of persons with whom children reside.

4. A person who has received into his house another person's child under the age of fourteen, who is resident with him or is in his care or legal custody, shall be subject to the same duty with respect to the instruction of such child during such residence as a parent, and shall be liable to be proceeded against as in the case of a parent, if he fails to cause such child to be instructed as required

by this Act; but the duty of the parent under this Act shall not be thereby affected or diminished. R.S.O. 1897, c. 296, s. 3.

Exceptions.

5. A parent, guardian or other person shall not be liable to any penalty imposed by this Act in respect of a child if—

(*a*) The child is under efficient instruction at home or elsewhere;

(*b*) The child is unable to attend school by reason of sickness or other unavoidable cause;

(*c*) There is no public or separate school which the child has the right to attend within two miles, measured by the nearest highway from such child's residence, if he is under ten years of age, or within three miles if he is over that age;

(*d*) There is not sufficient accommodation in the school which the child has the right to attend;

(*e*) The child has been excused, as hereinafter provided, by a Justice of the Peace, or by the principal of the school which the child is entitled to attend; or

(*f*) The child has passed the entrance examination for high schools prescribed by the Regulations; or has completed the course prescribed for the 4th form of the Public schools or a course which gives him an equivalent standing. R.S.O. 1897, c. 296, s. 4.

Employment of children during school hours prohibited.

6.—(1) No child under the age of fourteen years who has not a valid excuse under this Act, shall be employed by any person during school hours, while the public school of the section or municipality in which the child resides is in session, and any person who employs a child in contravention of this section, shall incur a penalty not exceeding twenty dollars for each offence.

Penalty.

When Justice of the Peace or principal may relieve child from attendance.

(2) Where in the opinion of a Justice of the Peace or of the principal of the school attended by any child the services of such child are required in husbandry or in urgent and necessary household duties, or for the necessary maintenance of such child or of some person dependent upon him, such Justice or principal may, by certificate setting forth the reasons therefor, relieve such child from attending school for any period not exceeding six weeks during each public school term. R.S.O. 1897, c. 296, s. 5.

Appointment and regulation of truant officers.

7.—(1) The police commissioners and, where there are no police commissioners, the Municipal Council of every city, town and village, shall appoint, control and pay one

or more truant officers for the enforcement of this Act and notice of such appointment shall be forthwith given to the school boards of the Municipality.

(2) A truant officer shall, for the purposes of this Act, be vested with the powers of a peace officer, and shall have authority to enter factories, workshops, stores, shops and all other places where children may be employed or congregated, and shall perform such services as may be necessary for the enforcement of this Act.

(3) The council of a township may annually appoint one or more truant officers who shall have the same powers and perform the same duties as a truant officer in a city, town, or village.

(4) The clerk of the council shall notify the secretary of the board in each school section in the municipality of every appointment of a truant officer with the name and post office address of each officer appointed.

(5) If the council neglects to appoint a truant officer before the 1st day of February in any year, the board of a school section may appoint a truant officer for the section.

(6) The body making the appointment may make rules not inconsistent with the provisions of this Act or the Regulations for the direction of the truant officer.

(7) Notice of every appointment made under this section shall be given to the inspector within whose inspectorate the truant officer has jurisdiction.

(8) Every truant officer shall report monthly to the body appointing him and annually to the Minister of Education according to the forms prescribed by the Regulations.

(9) Where the appointing body so directs, a truant officer shall perform his duties under the direction of the inspector. R.S.O. 1897, c. 296, s. 6.

Truant officers to investigate cases of truancy.

8. Every truant officer shall examine into all cases of truancy within his knowledge, or when requested to do so by the inspector, or by a school trustee, teacher, other truant officer or ratepayer, and shall warn the truants and their parents or guardians, in writing, of the consequences of truancy; and shall also notify the parent, guardian or other person having the charge or control of a child between the ages of eight and fourteen years not attending school as required by this Act, to cause the child to attend some school forthwith. R.S.O. 1897, c. 296, s. 7.

Conviction and penalty for violation of Act.

9.—(1) A parent, guardian or other person having the charge or control of any child between the ages of eight and fourteen years who neglects or refuses to cause such child to attend some school, unless such child is excused from attendance as provided by this Act, shall incur a penalty of not less than five dollars nor more than twenty dollars.

(2) The court may, instead of imposing a penalty, require a person convicted of an offence under this section to give a bond in the penal sum of one hundred dollars, with one or more sureties to be approved by the court, conditioned that the person convicted shall after the expiration of five days, cause the child to attend some school as required by this Act. R.S.O. 1897, c. 296, s. 8.

Truant officers to institute proceedings.

10. Every truant officer shall institute, or cause to be instituted, proceedings against a parent, guardian or other person having the charge or control of a child, or against any other person violating any of the provisions of this Act. R.S.O. 1897, c. 296, s. 9.

Teachers to report to truant officer.

11.—(1) The teacher or the principal of every public and separate school shall once in each month of the school year report to the truant officer of the municipality or section in which the school is situate the names, ages and residences of all pupils on the school register who have not attended school as required by this Act, together with such other information as the truant officer may require for enforcing the provisions of this Act.

(2) The teacher or principal, as the case may be, shall also forthwith report to the truant officer every case of expulsion. R.S.O. 1897, c. 296, s. 11.

Violations of Act by corporations.

12. Where any of the provisions of this Act are violated by a corporation, proceedings may be had against every officer or agent of the corporation who is a party to such violation, and such officer or agent shall be subject to the same penalties as any other person similarly offending. R.S.O. 1897, c. 296, s. 12.

Penalty for neglecting to enforce the Act.

13. Every person and officer charged with the duty of enforcing any provision of this Act, who neglects to perform the duty imposed upon him shall incur a penalty not exceeding $10 for each offence. R.S.O. 1897, c. 296, s. 14.

Prosecutions.

14. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. *See* R.S.O. 1897, c. 296, s. 15.

Convictions not to be removed for informality.

15. A conviction or order made in any matter arising under this Act shall not be removed, either at the instance

of the Crown or of any private person, into the High Court. R.S.O. 1897, c. 296, s. 16.

Onus of proof of age of child.

16. Where a person is charged with an offence under this Act in respect to a child who is alleged to be within the ages of eight and fourteen years and the child appears to the court to be within such ages, the child shall, for the purposes of this Act, be deemed to be within such ages unless the contrary is proved. *See* R.S.O. 1897, c. 296, s. 17; 8 Edw. VII. c. 59, s. 29.

Certain children not compelled to attend public or Separate schools.

17.—(1) Nothing herein shall be held to require the child of a Roman Catholic who is a separate school supporter to attend a public school or to require the child of a public school supporter to attend a Roman Catholic separate school.

No penalty for not attending school on Church holy days.

(2) No penalty shall be imposed in respect to the absence of a child from school on a day regarded as a holy day by the Church or religious denomination to which such child belongs. R.S.O. 1897, c. 296, s. 18.

Repeal.

18. Chapter 296 of The Revised Statutes of Ontario, 1897, is repealed.

No 171.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Truancy and Compulsory School Attendance.

First Reading, 15th March, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 172 1909

BILL.

An Act respecting High Schools and Collegiate Institutes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

GENERAL.

1. This Act may be cited as *"The High Schools Act."* Short title.
1 Edw. VII., c. 40, s. 1.

2. In this Act— Interpretation.

(*a*) "Board" shall mean a Board of High School Trustees. "Board."

(*b*) "County Judge" and "Judge" shall mean the senior Judge of the county or district court of the county or district in which the high school is or is to be situate, or if he is a member of the High School Board, or is unable to act, or is disqualified, shall mean the Junior Judge of the county or district Court, or if he is a member of the Board or is unable to act, or is disqualified, shall mean the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census; "County judge" or "judge."

(*c*) "County pupils" shall mean pupils who reside or whose parents or guardians reside in the county in which the high school attended by such pupils is situate, but not within the limits of the high school district, and shall not include pupils who are resident pupils as herein defined; "County pupils."

(*d*) "Department" shall mean Department of Education; "Department."

"High School." (*e*) "High School" shall include a Collegiate Institute;

"High School District." (*f*) "High School District" shall mean the municipalities and parts of municipalities over which a board has jurisdiction;

"Maintenance." (*g*) "Maintenance" shall include ordinary repairs to the teacher's residence, the school buildings, outhouses, gymnasium, fences and school furniture; the improvement of the school grounds and the grounds attached to the teacher's residence; insurance of the school property, salaries of the teachers, officers and servants of the board, the expense of conducting entrance examinations, and other expenses for ordinary school purposes and for such annual additions to the library, apparatus and other appliances as may be required by the Minister or by the Regulations, and shall also include gratuities and retiring allowances granted to teachers;

"Minister." (*h*) "Minister" shall mean Minister of Education;

"Municipality." (*i*) "Municipality" shall include a city, town, village or township, but not a county;

"Non-resident pupils." (*j*) "Non-resident pupils" shall mean pupils other than county pupils and resident pupils as herein defined;

"Permanent improvements." (*k*) "Permanent improvements" shall include the purchase or rental of a residence for a teacher, or of a school site, the erection or rental of a school house, the enlargement of both or either of them, changing the system of heating or ventilation, the erection of fences, outhouses and gymnasium, the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations;

(*l*) "Regulations" shall mean the Regulations made by the Minister under *The Department of Education Act*;

"Resident pupils." (*m*) "Resident pupils" shall mean pupils whose usual place of abode is within the high school district, or who are assessed or whose parents or guardians are assessed within the district for an amount equal to the average assessment of the ratepayers therein;

"Separated town." (*n*) "Separated town" shall include a town separated for municipal purposes from the county in which it is situate, and a town in territory without county organization. 1 Edw. VII., c. 40, s. 2.

HIGH SCHOOL CORPORATIONS.

Trustees to be a corporation.

3.—(1) The trustees of every high school district shall be a corporation by the name of "The High School Board of," or "The Collegiate Institute Board of," (as the case may be) adding the name of the municipality within which the high school or collegiate institute is situate.

(2) The trustees of every high school district shall hold office until their successors are appointed and the new board is organized. 1 Edw. VII., c. 40, s. 3.

HIGH SCHOOL DISTRICTS.

Existing high school districts confirmed.

4. Whenever a high school district has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such district had been formed thereunder, unless in the meantime proceedings have been taken calling in question the legal status of such district and notice thereof has been given to the persons who ought, according to the practice of the court in which the proceedings are taken, to be served with notice thereof, and such proceedings shall result in its being determined that such district has not been legally formed.

Lands not relieved from rates.

5. The county council may, on the petition of any municipal council, detach the municipality or any part thereof from any district formed by by-law of the county council, but any change made in the boundaries of a district shall not relieve the taxable property of the district or any part thereof from the rates imposed for the payment of debentures or from any other debts incurred before such change. 1 Edw. VII., c. 40, s. 7.

Unions of municipalities or portions thereof for high school purposes.

6.—(1) The council of any county on the petition of two-thirds of the ratepayers of any municipality or part thereof situate within such county and contiguous to any high school district or incorporated village, or to a town containing less than three thousand inhabitants in such county, may, by by-law, unite such municipality or part thereof to such district, incorporated village or town, for high school purposes, and the union shall take effect on the first day of January next following the expiration of six months after the passing of the by-law

Dissolution of Union.

(2) The county council on the petition of two-thirds of the ratepayers of any municipality or part thereof united

to any such district, incorporated village or town, may, by by-law dissolve the union; but no such by-law shall come into operation until the first day of January next following the expiration of six months after the passing thereof nor relieve the municipality or any part thereof from any rates imposed for the payment of debentures nor from any other debts incurred while such union existed.

Certificate of clerk to be evidence as to number of ratepayers.

(3) The certificate of the clerk of the municipality with respect to the number of ratepayers in such municipality or in that part thereof to which a petition refers, shall be final and conclusive. 1 Edw. VII., c. 40, s. 8.

Assets of municipalities united vested in board of same.

(4) Where two municipalities become united, all the assets of the boards of both municipalities shall forthwith be vested in, and all the liabilities of such boards shall forthwith become liabilities of, the board of the united municipality.

NEW HIGH SCHOOLS.

Establishment and discontinuance of high schools.

7.—(1) On or before the first day of July in any year the council of a county may, with the approval of the Minister, pass by-laws for the establishment of a new high school district,

(*a*) for a municipality not separated from the county containing at least one thousand inhabitants according to the last enumeration by the assessor, and the council of any county may, in like manner, with the approval of the Lieutenant-Governor in Council, discontinue, at the end of the current calendar year, any high school district thereafter established.

Formation of districts in special cases.

(*b*) for two or more townships or parts of townships within such county, if there are at least three thousand inhabitants within the proposed district according to the last enumeration by the assessor, and if at least two-thirds of the ratepayers of each of such townships or parts of townships petition for such high school district.

Establishing new high school districts in villages and towns.

(*c*) in a village in such county or in a town therein not separated from the county including within the proposed district the village or town and the whole or a part of any municipality or municipalities in such county contiguous to such village or town, provided that the whole of such proposed district contains at least three thousand inhabitants according to the last enumeration by the assessor, and if two-thirds of the ratepayers in each municipality or part of a municipality to be included in such district sign a petition for such high school district.

(2) In the case provided for by clause (*b*) of subsection 1, the high school shall be located at such place as is named in the petition.

In cities and separated towns.

8. The council of a city or separated town may, with the approval of the Minister, establish as many high schools in such city or separated town as it may deem expedient. 1 Edw. VII., c. 40, s. 9.

COURSES OF STUDY.

Course of instruction in high schools.

9.—(1) The courses of study shall be those prescribed by the Regulations.

Collegiate Institutes.

(2) Any high school which complies with the Regulations with respect to collegiate institutes may be raised to the rank of a collegiate institute by the Minister. 1 Edw. VII., c. 40, s. 10.

Reducing collegiate Institntes.

(3) The Lieutenant-Governor in Council may, upon the report of the Minister, reduce a collegiate institute to the rank of a high school.

Military instruction.

10.—(1) A board may establish classes in military instruction, appoint a qualified drill instructor and provide uniforms for such classes.

Grants for athletics.

(2) A board may annually vote a sum not exceeding $150 for each high school within its jurisdiction for the encouragement of athletics and to defray the expenses of school games. 1 Edw. VII., c. 40, s. 11; 2 Edw. VII., c. 42. s. 5.

Instructors in agriculture.

11. Subject to the Regulations, a high school board, a public school board and a continuation school board, or any one or more of such boards may engage the services of any person holding the degree of Bachelor of Science of Agriculture or other certificate of qualification from the Ontario Agricultural College, to give instruction in agriculture to the pupils of their respective schools.

TRUSTEES.

Qualification of trustee.

12. Any ratepayer who is a British subject, has attained the age of 21 years and resides in the high school district and who is not a member or officer of a municipal council shall be qualified to be a high school trustee.

Number of high school trustees.

13. Every high school board shall consist of at least six trustees.

14.—(1) In the case of a high school situate in a municipality of the county not being a city or a separated town,

Appointment of trustees.

three of such trustees shall be appointed by the county council, and additional trustees shall be appointed, as follows:—

(*a*) Where the district comprises one municipality the council thereof shall appoint three additional trustees;

(*b*) Where the district comprises two municipalities, each council shall appoint two additional trustees; and,

(*c*) Where a district comprises more than two municipalities, each council shall appoint one additional trustee.

Part of a municipality may be deemed a municipality.

(2) A part of a municipality which is assessed for at least $50,000 shall be deemed a municipality for the purposes of this section.

Annual retirement of trustees.

(3) One of the trustees appointed by the county council and one trustee appointed by each other council shall retire each year so as to secure a complete rotation every three years.

Where district composed of county.

15. Where a high school district comprises the whole of a county, the county council shall appoint six trustees, two of whom shall retire each year.

Trustees in cities and separated towns.

16.—(1) In a city and in a separated town the council shall appoint six trustees, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form the board.

(2) The council shall provide for the annual retirement of two of the trustees appointed by them so as to secure a complete rotation every three years.

Admission of county pupils to city or town school.

17. Where the Board of a high school situate in a city or in a separated town, notifies the county clerk that the high school is open to county pupils on the same terms as high schools in municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees for such high school so long as the school is open to county pupils on such terms, and such high school shall for all the purposes of this Act be considered a county high school.

Councils to provide for order of retirement of trustees.

18. The council which has the power and duty of appointing high school trustees shall provide for the order of their retirement.

Separate school board to appoint a trustee.

19. The board of separate school trustees of a city, town, or incorporated village in which a high school is situate,

may appoint to the board, one trustee who shall not be a member of the separate school board and who shall hold office for one year.

Appointment by public school trustees in urban municipalities.

20. Except in the case of a board of education, the public school board of every urban municipality and the board of a union public school section which includes an urban municipality may appoint one trustee who is not a member of the public school board, to the high school board of such urban municipality, and he shall hold office for one year. 1 Edw. VII., c. 40, s, 13.

Vacancies on Board.

Vacancies, how filled.

21.—(1) Vacancies arising from the annual retirement of trustees shall be filled by the appointing body at its first meeting in each year after being organized.

(2) Vacancies arising from death, resignation, removal from the high school district or county or otherwise, shall be filled forthwith by the appointing body, and the person appointed to fill the vacancy shall hold office for the unexpired term of the person whose place has become vacant.

(3) Where a separated town is re-united to the county, the two trustees whose term of office shall first expire and one of the trustees whose term of office shall next expire, to be selected by lot, shall retire as soon as the county council has appointed three trustees, and the remaining three trustees together with three trustees to be appointed by the county council shall then constitute the board of the high school district. 1 Edw. VII., c. 40, s. 14.

MEETINGS OF BOARD.

First meeting of board.

22.—(1) The first meeting of the board in each year shall be held at the hour of seven o'clock in the evening of the first Wednesday in February or at such other hour of the same day as may have been determined by resolution of the former board.

Election of chairman.

(2) At the first meeting in each year of every board and whenever the office of chairman becomes vacant then at the first meeting of the board after the vacancy occurs the members shall elect one of their number to be chairman.

Vice-chairman.

(3) The members of the board may also elect one of their number to be vice-chairman, and he shall preside in the absence of the chairman.

Chairman *pro tem.*

(4) If at any meeting there is no chairman or vice-chairman present the members present may elect a chairman for that meeting.

Secretary and Treasurer.

(5) At the first meeting and so often as a vacancy occurs the board shall also elect a secretary and a treasurer or a secretary-treasurer who shall hold office during the pleasure of the board.

Secretary *pro tem.*

(6) In the absence of the secretary from any meeting the chairman or other member presiding may appoint any member or person present to act as secretary for that meeting.

Quorum.

(7) The presence of a majority of all the members constituting the board shall be necessary to form a quorum.

Secretary to preside at first meeting until chairman elected.

(8) The secretary or secretary-treasurer shall preside at the first meeting until the chairman is elected, or if there is no secretary or secretary-treasurer then such member of the board shall preside as may be elected for that purpose.

Equality of votes on the election of chairman.

(9) In case of an equality of votes at the election of chairman, the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Chairman to vote.

(10) The presiding officer may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to have been negatived. 1 Edw. VII., c. 40, s. 15.

SECURITY OF TREASURER AND SECRETARY-TREASURER.

Security to be given by treasurer and secretary-treasurer.

23.—(1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties and shall submit his accounts to the auditors of the municipality in which the high school is situate.

(2) It shall be the duty of the auditors to audit such accounts in the same way as the municipal treasurer's accounts are audited. 1 Edw. VII., c. 40, s. 39 (2).

DUTIES OF BOARD.

Duties of trustees.

24. It shall be the duty of every board, and it shall have power:—

Fix meetings of board.

(*a*) To fix the times and places for the meetings of the board, and the mode of calling and conducting them, and to see that a full and correct account is kept of the proceedings thereat;

Conduct of school.

(*b*) To see that the school is conducted according to this Act, and the Regulations;

Accomodation for pupils

(*c*) To provide adequate accommodation according to the Regulations for all pupils;

Charge of high school.

(*d*) To take charge of the school, to keep the school buildings and premises in proper repair, to

provide suitable furniture and equipment, and to protect the property of the board;

Collection of fees for tuition.

(*e*) Subject to the provisions of this Act, to fix the amount to be paid by parents and guardians for each pupil attending the school, and the times of payment, and, when necessary, to enforce payment thereof;

Security of treasurer or secretary-treasurer.

(*f*) To take proper security from the treasurer or secretary-treasurer;

Orders for salaries and expenses.

(*g*) To give the necessary orders upon the treasurer for the payment of gratuities or retiring allowances of teachers and the salaries of the teachers and other officers and servants of the board, and of such other expenses for promoting the interests of the school as may be authorized by the board;

Applications to councils, how made.

(*h*) To apply to the municipal council liable under this Act on or before the 1st day of August, or at such time before that day as may be required by the council, for such sums as the board may require for the maintenance of the school for the twelve months next following the date of such application, apart from fees from pupils, the appropriation from the Legislative grant, the contribution by the County Council and the revenue from other sources, and for such additional sum as may be deemed expedient for permanent improvements for the same period not exceeding five hundred dollars;

Expulsion of pupils.

(*i*) To expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school, and to exclude any pupil whose parents or guardians neglect or refuse to pay the fees of such pupil after reasonable notice;

Appointment and removal of teachers.

(*j*) To appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties;

Certify fees received.

(*k*) To certify to the treasurer of the county on or before the 1st day of August in each year, the amount of fees collected from county pupils for the next preceding calendar year;

Annual report to Minister.

(*l*) To prepare and transmit on or before the 15th day of January in each year to the Minister the annual report, in accordance with forms provided by the Department. 1 Edw. VII., c. 40, s. 16.

25. The Board may—

Trustees may purchase books and supplies.

May furnish same fees or collect fees for the use thereof.

(*a*) Purchase for the use of pupils text books and other school supplies, and either furnish the same to them free of charge or collect for the use thereof from such pupils or their parents or guardians a sum not exceeding twenty-five cents per month for each pupil to defray the cost thereof. 4 Edw. VII., c. 31, s. 1.

Penny Savings Banks.

(*b*) Provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 8 Edw. VII., c. 33, s. 55.

Supervising principal in urban municipality.

26. Where there are more high schools than one in an urban municipality, the board may appoint a supervising principal, having the qualifications of a high school principal, who, subject to the Regulations, shall perform such duties in connection with the high schools as may be assigned to him by the board.

PROPERTY VESTED IN BOARDS.

High school property vested in trustees.

27.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation, for the high school purposes of any locality, or which may hereafter be so granted, devised, acquired or vested shall be vested in the board having jurisdiction in such locality.

(2) The board shall have full power to convey, sell, transfer, or lease such property, or any part thereof, upon the adoption of a resolution by the board that the property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for high school purposes. 1 Edw. VII., c. 40, s. 31, *part*.

High school trustees may sell site.

28. A board, with the approval of the municipal council or of a majority of the municipal councils having jurisdiction within the high school district, and of the Minister, may sell, and transfer any site, or other property vested in the board, and after making provision for all debts and liabilities of the board, may apply the residue of the proceeds to any purpose that may be approved by the Minister, and thereupon the Lieutenant-Governor in Council may, by proclamation, declare the corporation dissolved. 1 Edw. VII., c. 40, s. 31.

SCHOLARSHIPS.

Receiving money for establishment of scholarship.

29. Any person may, with the approval of the board, found a scholarship or prize.

Scholarships for public and separate school pupils.

30.—(1) A board may annually award five scholarships to the pupils of the public or separate schools situate within the high school district.

(2) The number of such scholarships shall be fixed by the high school board, which may award the same by competitive examinations or otherwise and may prescribe the tenure of such schloarships and provide for the expenses of holding examinations therefor.

(3) A scholarship shall be awarded only to a pupil who is a ratepayer or the child of a ratepayer in a municipality contributing to the maintenance of the high school.

Scholarships for high school pupils.

31.—(1) A board may annually award free scholarships to the pupils on the results of form or other examinations.

(2) The board may make such rules and regulations regarding such scholarships as it may deem expedient. 2 Edw. VII., c. 42, s. 4.

Investment of scholarship fund.

32. A board may invest any money received through legacy, gift or otherwise, and for such purpose shall have and may exercise the powers conferred upon trustees by *The Trustee Investment Act*. 1 Edw. VII., c. 40, s. 32.

MUNICIPAL GRANTS FOR MAINTENANCE.

Aid to high schools from counties.

33.—(1) The council of every county shall on or before the 15th day of December in each year pay to the board of every high school in towns not separated from the county, and in villages and townships within the county for the maintenance of the high schools, without any deduction on account of fees paid by county pupils, an amount equal to that apportioned by the Minister to such high school out of the legislative grant for the maintenance of high schools. 1 Edw. VII., c. 40, s. 33.

(2) Where an Agricultural Department is established in a high school or in a continuation school, the council of the county in which the high school or continuation school is situated, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of $500.00 which shall be applied by the board to the purposes of such department.

When further grant from county to be made.

34.—(1) Where the cost of the maintenance of county pupils at a high school exceeds the amount apportioned by the Minister and the fees received from county pupils, the county shall, in lieu of the equivalent of the amount apportioned out of the legislative grant, pay to the Board a sum to be ascertained in the manner following:—

Mode of ascertaining county grant.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grant shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at the school during the next preceding three years, and the resulting amount shall be multiplied by the total number of days' attendance of county pupils during the same three years and from the resulting amount the fees received from county pupils shall be deducted and the remainder shall be the sum payable by such county.

(2) Where a high school has not been in existence for three years, the attendance shall be reckoned for the period during which it has been open.

Disputes as to grants to be referred to county judge.

(3) The board and the county council may by agreement settle the amount to be paid by the county for the maintenance of county pupils, in any year, but if they do not agree the same shall be settled by the judge on the application of either party.

(4) No agreement or settlement so made shall affect the apportionment of county aid authorized by section 39.

Award of judge binding for 3 years.

(5) Where a high school has been in existence for three years or more, an award made by the judge shall be binding for three years, and, where it has not been in existence for three years, for one year only.

Statements to be submitted to judge.

(6) In case of a reference the board shall submit to the judge a detailed statement of all receipts and expenditures for maintenance of the high school for each of the preceding years or less period under consideration, which shall be certified by the auditors, and a statement certified by the chairman of the board of the names, residences and attendance of all resident, non-resident, and county pupils for each of such years, or for such period, and giving a separate list with names and addresses of the county pupils on whose account the demand for payment is made, and a statement certified by the chairman of the amount apportioned out of the legislative grants and of all fees received from county pupils during each of such years or during such period, and shall also furnish to the judge such further information as he may require. 1 Edw. VII., c. 40, s. 34 (1, 2, 3).

Maintenance of county pupils in city or town high school.

35.—(1) Where the board of a city or a separated town has notified the county clerk that the high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county are open to such pupils the county council shall, on or before the 15th day of December in each year, pay a sum equal to eighty per cent. of the cost of the maintenance of county pupils at such high school. 1 Edw. VII., c. 40, s. 34 (6); 3 Edw. VII., c. 33, s. 1.

Maintenance of county pupils in city, town and village high schools.

(2) Where the board of a city, town, village or township has notified the clerk of any county adjacent to that in which the high school is situate that such high school is open to pupils resident in such adjacent county on the same terms as to county pupils, the council of such adjacent county shall, on or before the 15th day of December in each year, pay for the maintenance of pupils from such county attending such high school a sum equal to 65 per cent. of the cost of the maintenance of pupils at such high school.

Certain cities excepted.

(3) Subsections 1 and 2 shall not apply to a city which has a population of 50,000 or over. 3 Edw. VII., c. 33, s. 2 (1).

Contribution by city council to cost of maintenance of pupils at school in adjoining municipality.

(4) Where the board of a municipality contiguous to a city gives notice to the city clerk that such high school is open to city pupils on the same terms as it is open to the resident pupils of the municipality in which the high school is situate, the council of the city shall, on or before the 15th day of December in each year, pay to the board 80 per cent. of the cost of maintenance of city pupils at the high school. 4 Edw. VII., c. 31, s. 2.

(5) The amount payable under subsections 1, 2 and 4 shall be ascertained as follows:—

Mode of ascertaining amount payable by city.

From the total cost of maintenance of the high school the amount apportioned out of the legislative grants shall first be deducted; the remainder shall be divided by the total number of days' attendance of all pupils at such high school during the year for which payment is to be made; the resulting amount shall be multiplied by the total number of days' attendance of pupils in respect of whom such county or municipality is liable; the percentage prescribed by the subsection under which payment is to be made shall then be determined, and from that amount the fees paid by such pupils shall be deducted, and the resulting amount shall be the sum payable by such county or municipality. 7 Edw. VII., c. 23, s. 40.

Reference to judge.

(6) Where the parties do not agree as to the amount so payable the same shall be ascertained by the Judge on the application of either party.

Statements to be submitted to judge.

(7) On the reference to the Judge the board shall submit to him, statements similar to those mentioned in subsection 6 of section 34, certified in a similar manner, and shall furnish such further information as he may require.

36. The costs of a reference to the judge under sections 34 or 35 shall be in his discretion and the amount thereof shall be fixed by him and he may direct to, and by whom and in what manner the same shall be paid. 1 Edw. VII., c. 40, s. 34 (4).

COLLECTION OF RATES.

Councils to levy rates in high school districts.

37. The council or councils having jurisdiction shall levy and collect each year in their respective municipalities or the parts thereof within the high school district such amount as the board may deem necessary for the maintenance of the high school in addition to that received from the county council and from other sources under this Act and a further sum, not exceeding $500, in any one year if required by the board for permanent improvements, and such amount shall be levied by one uniform rate over the whole district. 1 Edw. VII., c. 40, s. 35.

GRANTS FOR PERMANENT IMPROVEMENTS.

Grants for permanent improvements exceeding $500

38.—(1) Where the sum required by a board for permanent improvements exceeds $500, the same shall be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures, and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district.

Application of board to council.

(2) The application of the board shall be made to the council or councils having jurisdiction over the high school district, and in it the board may state the minimum term of years, not exceeding thirty, within which the sum required is to be repaid.

Council to deal with application.

(3) The council, or, if more than one, each of the councils applied to, at its first meeting after receiving the application, or as soon thereafter as possible, shall consider and approve or disapprove the same; and if a vote in any council results in a tie the application shall be deemed to be disapproved by that council.

Issue of debentures.

(4) If the council or a majority of the councils, where there are more than one, approve of the application, the council of the municipality within which the high school is situate shall raise the sum required by the issue of debentures in the manner provided by *The Consolidated Municipal Act, 1903*.

If council disapproves application it is to be submitted to ratepayers.

(5) If the council or half the number of councils where there are more than one, disapprove of the application, such council or each of such councils, where there are more than one, on the request of the board shall submit the application to a vote of the electors of its municipality or of the part thereof comprised in the high school district in the manner provided by *The Consolidated Municipal Act, 1903*, for a by-law for contracting a debt.

When ratepayers approve application debentures to be issued.

(6) If a majority of the votes cast throughout the high school district are in favour of the application the council of the municipality in which the high school is situate, shall in the manner provided by *The Consolidated Municipal Act, 1903*, but without submitting any by-law to the electors to raise the required sum by the issue of debentures.

Council may act without submission to ratepayers.

(7) The council or councils having jurisdiction in a high school district or a majority of them may pass by-laws for the purpose of raising or borrowing money required by the board for permanent improvements without submitting the same to a vote of the electors.

Proportionate payment of debenture debt by municipalities.

(8) Where a high school district comprises more than one municipality or parts of more than one municipality each municipality shall be liable for such proportion of the principal and interest payable under, and of the expenses connected with, the debentuers as the equalized assessment of that part of the high school district which is within such municipality bears to the equalized assessment of the whole district, and the council of each of the other municipalities shall pay its proportion to the council of the municipality which has issued the debentures.

Term of debentures.

(9) A debenture may be for such term of years not exceeding thirty and not less than that mentioned in the application of the board as the municipal council or councils concerned or a majority of them may think proper or the council or councils or a majority of them shall, if the board has so requested, and may whether such request has been made or not, make the debenture debt payable by annual or other instalments in the manner provided by *The Consolidated Municipal Act, 1903*.

(*a*) The council or councils of a municipality or municipalities liable for more than one-half of such debt shall, for the purposes of this subsection, be deemed a majority.

Municipality in which high school is situate may assume full cost of permanent improvements.

(10) Nothing in this section shall prevent the municipality in which the high school is situate from assuming the full cost of permanent improvements or from undertaking to pay any debentures that may be issued therefor, notwithstanding that such municipality forms only a part of the high school district. 1 Edw. VII., c. 40, s. 37.

Council may raise further sum for high school purposes.

39.—(1) The council of any municipality or county may raise by assessment in addition to any sums which it is required by this Act to raise such further sums as it may deem expedient for the maintenance or permanent improvement of a high school, provided that, in the case of a county, any additional sum so raised shall be apportioned (except as hereinafter provided) among all the high schools of the county in proportion to the liability of the county to each board. 1 Edw. VII., c. 40, s. 38 (1).

County Council may make grants to particular schools.

(2) The council of a county may, by a two-thirds vote of all the members thereof pass by-laws for granting additional aid to any one or more of the high schools in the county without making a similar provision for the other high schools therein. 2 Edw. VII., c. 42, s. 3, and 3 Edw. VII., c. 33, s. 2.

Permanent improvements.

40. All moneys which a municipal council is required by this Act to collect for permanent improvements shall be paid to the treasurer of the board on or before the 31st day of December of the year in which application was made by the board for such moneys; all moneys which a council is required to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a high school shall be paid from time to time to the treasurer of the board as the board may require. 1 Edw. VII., c. 40, s. 39 (1).

For maintenance.

Apportionment of High School grant in United Counties.

41. The council of united counties may apportion the amount to be levied for high school purposes so that each county shall be liable only for the maintenance of the high schools within such county, but in such case each of the counties shall pay for the maintenance of pupils residing therein who attend any high school situate in any other of the counties. 1 Edw. VII., c. 40, s. 38 (2).

HIGH SCHOOL FEES.

County pupils.

42.—(1) County pupils shall pay such fees as the county council may prescribe, but such fees shall be uniform for all high schools in the county, or, in the case of united counties for each county in the union, and shall not exceed one dollar per month.

(2) The scale of fees shall take effect from the beginning of the high school term next after the adoption thereof, and shall continue in force for three years or for such term as may be agreed upon between the board and the county council.

(3) County pupils admitted to a high school situate in a city or in a separated town, on the same terms as resident pupils, shall pay the same fees as are paid by resident pupils.

Non-resident pupils.

(4) Non-resident pupils shall pay such fees as the board may prescribe, but such fees shall not be greater than the average cost per pupil of maintenance of the high school, nor less than the fees imposed by the council on county pupils.

(5) Resident pupils shall pay such fees as the board may prescribe.

(6) The council of a municipality not included, or not wholly included, in a high school district may provide by assessment for the payment of any fees imposed by the county council on county pupils who reside in such municipality, or by the board on non-resident pupils who reside in such municipality; but in the case of a municipality not wholly included such assessment shall be confined to the part which is not included within the high school district. 1 Edw. VII., c. 40, s. 40. Council may pay fees.

(7) The fees payable under this section shall be payable to the treasurer of the board.

43. County pupils shall have the right to attend any high school aided by the council of the county in which they or their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which they or their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the Board. What school pupils may attend.

HIGH SCHOOL ENTRANCE EXAMINATIONS.

General.

44. Subject to the Regulations— Who may be pupils.

(*a*) Candidates who pass the uniform entrance examination for high schools held by boards of examiners provided for in this Act shall be granted admission to the high schools;

(*b*) Candidates who have completed the course prescribed for the fourth form of the public school or who have in the opinion of a board of examiners completed a course which gives them an equivalent standing may in the discretion of such board of examiners be by it admitted to the high schools without passing such entrance examination.

45. Subject to the Regulations, any person actually engaged in teaching who holds— Who may be examiners.

(*a*) A permanent High School Assistant's certificate, or

(*b*) A permanent First Class certificate, or

(*c*) A Provincial Second Class certificate, and has had five years' experience as a teacher,

may be appointed a presiding officer or a member of a board of examiners.

In the Counties.

46.—(1) (*a*) In a county in which one or more high schools have been established, one or more examination Centres to be established.

centres shall be established by the high school board from time to time in each district and in other parts of the county by the county council. The county clerk or the secretary of the board as the case may be shall give due notice to the public school inspector of the establishment of such centres, and the inspector shall attach each centre established by the county council to the centre or centres of one of the high school districts.

One board of examiners for each district.

(*b*) A high school district shall be under one board of examiners. The public school inspector of the inspectorate in which the high school is situate, and the high school principal or principals in the high school district shall be members of the board of examiners. The public school board and the board of separate school trustees, if any, of the city, town, or village in which the high school is situate, may each, on or before the first day of June in any year, appoint an additional member to the board. The county council may, also, at its meeting in June, in any year, appoint the principal of a continuation school, having a staff of at least two teachers, to be a member of the board of examiners of the high school district to the centre or centres of which his county centre is attached.

Examiners in counties not having a high school.

(2) (*a*) In a county in which no high school has been established, the county council, at its meeting in June, in each year, shall appoint a county board of examiners, consisting of the public school inspectors, with as many more members as may appear to be necessary, and preference shall be given to the principals of the continuation schools of the county.

County centres.

(*b*) The county council shall also establish such county centres as it may deem necessary, and the county clerk shall notify the public school inspectors of the establishment of such centres.

Additional examiners.

(3) Subject to the Regulations, every board of examiners shall in each year appoint such additional members as may be required.

Presiding officers of boards.

(4) The senior inspector shall be chairman of the board and one of the chief presiding officers and each inspector shall appoint the other presiding officers for his inspectorate.

Payment of examiners' fees.

(5) Subject to the Regulations, the expenses of the examination shall be paid, on the requisition of the chairman of the board of examiners, in the case of county centres, by the treasurer of the county, and in the case of the high school district centres, by the treasurer of the high school board.

Candidates' fees.

(6) The county council or the high school board, as the case may be, may impose a fee not exceeding $1.00 upon

each candidate at the county and the high school district centres, which shall be paid by the candidate as prescribed by the Regulations, and shall be paid over at or before the close of the written examination, to the treasurer of the county or of the board, as the case may be.

In the Territorial Districts.

Examiners in territorial districts.

47.—(1) (*a*) Where there are one or more high schools in a public school inspectorate in territory without county organization there shall be a board of examiners for each high school. The inspector for the inspectorate in which the high school is situate and the high school principal or principals in the high school district shall be members of the board. The public school board and the board of separate school trustees, if any, of the city, town, or village in which the high school is situate, may each, on or before the first day of June of any year, appoint an additional member. Subject to the Regulations, the board of examiners, in each year shall appoint such additional members as may be required, and preference shall be given to the principals of continuation schools in the inspectorate.

(*b*) One or more centres shall be established by the high school board in each high school district, and with the approval of the Minister, other centres may be selected and attached by the public school inspector to one of the high school district centres in his inspectorate.

Where no high school has been established.

(2) (*a*) In an inspectorate in which no high school has been established, there shall be a board of examiners, consisting of the public school inspector and as many more members as may appear to him to be necessary, appointed by the inspector, with the approval of the Minister, and preference shall be given to the principals of continuation schools in the inspectorate.

(*b*) In such inspectorates, the centres shall be selected by the inspector, with the approval of the Minister.

Presiding officers.

(3) (*a*) The inspector shall be chairman of the board and one of the chief presiding officers, and he shall appoint the other presiding officers.

(*b*) Subject to the Regulations, the expenses of the examinations shall be paid by the Minister out of any money appropriated by legislation and applicable to that purpose.

HIGH SCHOOL TEACHERS.

Principals of high schools.

48.—(1) No person shall be appointed principal of a high school unless he is a graduate in Arts of a University within the British Dominions, and furnishes satisfactory evidence to the Minister of his knowledge of the science and art of teaching, and of school organization and management.

Assistant teachers.

(2) No person shall be appointed assistant teacher in a high school who does not possess the qualifications prescribed by the Regulations.

Teachers.

(3) Every teacher of a high school shall, in the organization, discipline, management and classification of the pupils be subject to the Regulations.

Superannuation.

(4) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. 1 Edw. VII., c. 40, s. 42.

AGREEMENTS.

Salary for teaching during part of the year.

49.—(1) A teacher who enters into an agreement with a board for one year and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Sickness.

(2) A teacher shall be entitled to his salary, notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment, if the sickness is certified to by a physician; but that period may be extended at the pleasure of the board.

Neglect of duty.

(3) A high school inspector may, on the complaint of a board, suspend the certificate of a teacher who wilfully neglects or refuses to carry out his agreement with the board, but the teacher may appeal to the Minister, who may make such order with regard to the suspension as he may deem proper.

Disputes between teachers and trustees.

(4) All matters of difference between boards and teachers in regard to salary or other remuneration, whatever may be the amount in dispute, shall be determined in the Division Court of the division in which the cause of action arose; subject to the same right of appeal as under *The Public Schools Act*. 1 Edw. VII., c. 40, s. 43.

RETIRING ALLOWANCES.

Retiring allowance to teachers.

50. Where a teacher or an officer whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for 20 years in the service of the board, the board may grant him an annual allowance not exceeding the salary which he was receiving at the time of his retirement, or may make a grant to him by way of gratuity of such sum as will represent not more than the present value of such allowance for his life, computed on the basis of interest at the rate of four per cent. per annum. 1 Edw. VII., c. 40, s. 44.

TERMS.

Duration of academic year.

51.—(1) The school year shall consist of three terms; the first shall begin on the first Tuesday of September and end on the 22nd of December; the second shall begin on the 3rd of January and end on the Thursday before Easter Day; and the third shall begin on the second Monday after Easter Day, and end on the 29th of June.

(2) Every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the school is situate shall be a school holiday. 1 Edw. VII., c. 40, s. 45.

AUTHORIZED BOOKS.

Text-books.

52.—(1) A teacher shall not use or permit to be used as a text-book in a high school any book except such as is authorized by the Regulations, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized book is so used.

Change of text-books.

(2) Subject to the Regulations, an authorized text-book in actual use in a high school may, with the written approval of the board, be changed by the teacher for any other authorized text-book on the same subject. 1 Edw. VII., c. 40, s. 50.

PENALTIES AND PROHIBITIONS.

Trustees contracting with board.

53. A high school trustee shall not enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment, or duty on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the municipality, or the appointing body of the vacancy. 1 Edw. VII., c. 40, s. 46.

Newspaper proprietors inserting official advertisements not disqualified from sitting in school boards, etc.

54. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication in which an advertisement is inserted by the board in the regular course of business, or which is subscribed for by the board, if such advertisement or subscrip-

tion is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1 Edw. VII., c. 40, s. 47.

When seat on board may be declared vacant.

55. If a trustee is convicted of an indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes, absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the county or municipality by the council or school board of which he was appointed he shall *ipso facto* vacate his seat, and the secretary shall forthwith notify the clerk of the council of the county or municipality or other appointing body of the vacancy. 1 Edw. VII., c. 40, s. 48.

Disturbing schools.

56. Any person who wilfully interrupts or disquiets any high school by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to interfere with the order or exercises of the school shall, for each offence incur a penalty not exceeding $20. 1 Edw. VII., c. 40, s. 49.

Substitution of unauthorized text-books.

57. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school, the Minister, on the report of the inspector may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion.

Disqualified persons acting as trustees.

58.—(1) A trustee who sits or votes at any meeting of the board while disqualified under this Act, shall incur a penalty of $20 for every meeting at which he so sits or votes.

Penalty for refusal to perform duties.

(2) Every person appointed as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall incur a penalty not exceeding $20.

Trustees and teachers not to hold certain offices.

59. A trustee shall not be eligible for appointment as a high school teacher; nor shall the teacher of a high, public, or separate school hold the office of high school trustee.

Liability for neglect to take security.

60. If a Board refuses or neglects to take proper security from the Treasurer or other person to whom they entrust school moneys and any school moneys are forfeited or lost to the board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer or ratepayers interested therein suing on behalf of himself or themselves and all ratepayers of the high school district interested in any court of competent jurisdiction, but no member shall be liable if

he proves that he made reasonable efforts to procure the taking of such security. (*See Consolidated Municipal Act, 1903*, s. 418 (5).)

Trustee may not be secretary, treasurer, or bondsman.

61. A trustee shall not be appointed secretary, treasurer, or secretary-treasurer of the board or be bondsman or surety for the treasurer or secretary-treasurer or for any person entrusted with school moneys.

Penalty on secretary-treasurer or trustee for refusing to account.

62.—(1) A treasurer, secretary or secretary-treasurer, or a person having been such treasurer, secretary, or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money, which came into his possession as such treasurer, secretary, secretary-treasurer, or trustee or otherwise, shall not wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same to the person, and in the manner, directed by the board, or by other competent authority.

Mode of proceeding.

(2) Upon application to the Judge, by the board, supported by affidavit, showing such wrongful withholding or refusal, the Judge may summon such treasurer, secretary, secretary-treasurer, trustee, or person, to appear before him at a time and place appointed by him.

Service of summons.

(3) A bailiff of a Division Court upon being required so to do by the Judge shall serve the summons, or a true copy thereof, on the person complained against, personally, or by leaving the same with a grown-up person at his residence.

Judge to issue order.

(4) At the time and place so appointed, the Judge if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, may order the person complained against to deliver up, account for, and pay over such book, paper, chattel, or money, by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow.

Effects of non-compliance with judge's order.

(5) In the event of non-compliance with the order, the Judge may order such person to be forthwith arrested by the sheriff (or any county or district in which he may be found, and to be committed to the common gaol of the county or district in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel, or money, in the manner directed by the board, or other competent authority.

Discharge on complying with order.

(6) Upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly.

Discharge on terms.

(7) Upon proof that such person has done all in his power to deliver up, account for or pay over such book. paper, chattel, or money, as directed, the Judge may order his discharge on such terms or conditions as he may deem just.

Other remedy not affected.

(8) Such proceedings shall not impair or affect any other remedy which the board, or other competent authority, may have against the person complained against or against any other person.

Penalties on trustees refusing information, etc., to auditor.

63. It shall be the duty of a board and of the treasurer, secretary, or secretary-treasurer, to furnish the auditors with any papers and information in their power, which may be required of them relative to the school accounts, and any member of the board and a treasurer, secretary or secretary-treasurer who neglects or refuses so to do shall incur a penalty not exceeding $20.

Penalty for false school reports and registers.

64. If a trustee knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return, such trustee or teacher shall, for every offence incur a penalty not exceeding $20.

(The following section is contained in *The Department of Education Act.*)

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

28.—(1) *A teacher, trustee, inspector, or other person officially connected with the Department, or with any normal, model, public, or high school, or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person, to sell, or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or for the use of any pupil thereof, nor shall he receive, directly or indirectly, compensation or other remuneration or the equivalent for so doing. 1 Edw. VII. c. 39, s. 121, (1); 6 Edw. VII. c. 53, s. 63.*

Penalties for same.

(2) *For any contravention of subsection (1) a teacher shall incur a penalty of $50; a trustee shall incur a penalty of $100; an inspector shall incur a penalty of $500; and any other person so officially connected shall incur a penalty of $100.*

Penalty against business firm or agent.

(3) *Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector, or any other person officially connected with the Department, or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or*

become or act as agent for or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who, directly or indirectly, gives or pays to any such teacher, trustee, inspector or other person, compensation or remuneration, or the equivalent thereof for so doing shall for every such offence incur a penalty of $500.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale shall be prima facie evidence of a violation of this section.

(5) The penalties imposed by this Act shall be recoverable under The Ontario Summary Convictions Act.

(6) The penalties recovered under this Act shall be applied to such school purposes as the Minister may direct.

HOW FINES AND PENALTIES MAY BE RECOVERED.

65.—(1) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act.* How penalties under this Act shall be recoverable.

(2) Any ratepayer, trustee, or high school teacher may take proceedings to recover any such penalty.

(3) Unless otherwise provided, all such penalties shall be payable to the treasurer of the board of the high school district in which the offence was committed, and shall be applied to high school purposes; except when the penalty is imposed upon a treasurer, secretary, or secretary-treasurer, in which case the same shall be payable to the chairman of the board, and shall be applied to high school purposes.

66. *The High Schools Act (1901)* and all amendments thereto are repealed. Acts repealed.

No. 172

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting High Schools and Collegiate Institutes.

First Reading, 12th March, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 173 1909

BILL.

An Act respecting Public Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *"The Public Schools Act."* Short title.
1 Edw. VII. c. 39, s. 1.

2. In this Act:—

(*a*) "Board" shall mean a Board of Public School Trustees; Interpretation. "Board."

(*b*) "County Inspector" shall mean the Inspector appointed for a County Inspectorate; "County Inspector."

(*c*) "County Inspectorate" shall mean a county or portion of a county or portions of two or more counties for which an Inspector is appointed, but shall not include a city or separated town for which an Urban Inspector is appointed: "County Inspectorate."

(*d*) "District Inspector" shall mean an Inspector appointed for a District Inspectorate; "District Inspector."

(*e*) "District Inspectorate" shall mean an inspectorate composed of territory outside of county organization; "District Inspectorate."

(*f*) "Inspector" shall mean Public School Inspector; "Inspector."

(*g*) "Inspectorate" shall mean the territory for which an Inspector is appointed; "Inspectorate"

(*h*) "Minister" shall mean Minister of Education; "Minister."

(*i*) "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates and for the purposes of a school meeting shall include a far- "Ratepayer,"

mer's son as defined by *The Consolidated Municipal Act, 1903;*

"Regulations." (*j*) "Regulations" shall mean regulations made under *The Department of Education Act;*

"School section." (*k*) "School section" and "section" shall include a municipality or any part of one or more municipalities under the jurisdiction of one public school board;

'School site." (*l*) "School site" shall mean the land necessary for a school house, playgrounds, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium and offices connected therewith;

"Secretary" or "Treasurer." (*m*) "Secretary" or "Treasurer" shall include a secretary-treasurer. 6 Edw. VII. c. 53, s. 2.

"Separated Town." (*n*) "Separated town" shall mean a town which does not form part of a county for municipal purposes;

"Teacher." (*o*) "Teacher" shall mean a person holding a legal certificate of qualification;

"Township." (*p*) "Township" shall include a union of townships;

"Township board." (*q*) "Township board" shall mean a board having jurisdiction over all the public schools in a township;

"Urban Inspector." (*r*) "Urban Inspector" shall mean the Inspector appointed for an urban inspectorate;

"Urban Inspectorate." (*s*) "Urban Inspectorate" shall mean a city or separated town not included in a county inspectorate;

"Urban municipality." (*t*) "Urban municipality" shall mean a city, town or village;

Application of regulations. **3.** The Regulations, though not specially referred to, shall apply to any matter or thing in this Act contained, so far as the same are consistent with this Act. 1 Edw. VII. c. 39, s. 3.

No rate on supporters of Roman Catholic separate schools. **4.** Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools except that all taxable property shall continue to be liable to taxation for the purpose of paying any liability incurred for public school purposes while such property was subject to taxation for such purposes. 1 Edw. VII. c. 39, s. 4.

Existing school arrangements continued.

5. All public school sections or other public school divisions shall continue as they now exist; all trustees duly elected and all officers duly appointed shall continue in office; and all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act takes effect shall continue subject to the provisions of this Act. 1 Edw. VII. c. 39, s. 5.

PUBLIC SCHOOLS TO BE FREE.

Public schools to be free.

6.—(1) All schools established under this Act shall be free public schools, and every person between the ages of five and twenty-one years shall have the right to attend some such school in the urban municipality or rural school section in which he resides.

(2) Children between the ages of four and seven years may attend kindergarten schools, subject to the payment of such fees as to the board may seem expedient. 1 Edw. VII. c. 39, s. 6.

Right of immigrant children to attend schools.

(3) Every corporation, society, agent or person having the custody of a child, and being a public school supporter, shall be entitled to send such child to the public School of the municipality or school section in which the child resides, as if he were the child of a ratepayer in such municipality or school section; and every such corporation, society, agent or person shall be subject to the provisions of *The Truancy Act* in the same manner and to the same extent as a ratepayer. 7 Edw. VII. c. 51, s. 1.

SCHOOL YEAR AND HOLIDAYS.

School year and School terms.

7.—(1) The school year shall consist of two terms, the first of which shall begin in rural schools on the third Monday in August, and in urban schools on the first day of September, and shall end in both rural and urban schools on the twenty-second day of December, and the second of which in both rural and urban schools shall begin on the 3rd day of January and end on the 29th day of June.

Saturdays and other holidays.

(2) Every Saturday, every public holiday, the week following Easter Day, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in public schools.

Rural school sections.

(3) With the approval of the inspector, the board of a rural school section may substitute holidays in some other part of the year for part of the time herein allowed for Easter and midsummer vacations to suit the convenience of pupils and teachers, provided always that the same

number of holidays be allowed in each year. 1 Edw. VII. c. 39, s. 96; 4 Edw. VII. c. 30, s. 15.

(4) When there is no county organization, the inspector, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which a school shall be kept open each year, and it shall be the duty of the board to keep the school open during the whole of the time so determined. 1 Edw. VII. c. 39, s. 65 (5); 6 Edw. VII. c. 53, s. 36; 7 Edw. VII. c. 51, s. 14.

RELIGIOUS INSTRUCTION.

Religious exercises.

8.—(1) No pupil in a public school shall be required to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his parent or guardian.

(2) Subject to the Regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. 1 Edw. VII. c. 39, s. 7.

SCHOOL VISITORS.

Public school visitors defined.

9.—(1) Judges, members of the Assembly, and members of Municipal councils, shall be school visitors in the municipalities where they respectively reside, and every clergyman shall be a school visitor in the municipality where he has pastoral charge.

Authority to visit public schools.

(2) School visitors may visit public schools, may attend any school exercises, and at the time of any visit, may examine the progress of the pupils, and the state and management of the schools, and give such advice to the teachers and pupils, and any others present, as they deem expedient. 1 Edw. VII. c. 39, s. 99.

SCHOOL LANDS GRANTED PRIOR TO 24 JULY, 1850.

School lands granted before 1850 vested in trustees for school purposes.

10. All lands which before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which such lands are now respectively held. 1 Edw. VII. c. 39, s. 123.

SELECTION OF SCHOOL SITES BY RURAL BOARDS.

Selection and change of school site.

11.—(1) Whenever it is deemed expedient by or it is the duty of a rural school board to erect a new school building or where a petition in that behalf is presented by 25 per cent. of the ratepayers of the school section, the board shall select a school site and shall thereupon call a special meeting of the ratepayers to consider the site selected by the board, whether the same be the present site or a new site; and no site shall be adopted, except in the manner herein provided, without the consent of a majority of such meeting. *See* 6 Edw. VII. c. 53, s. 22.

When trustees and ratepayers differ as to site.

(2) In case a majority of the ratepayers present at such special meeting differ from the board as to the suitability of the site selected by it, each party shall then and there choose an arbitrator, and the inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting shall make and publish their award, and may, in and by the award approve of the site selected by the board or may change the boundaries of the same or may select such other site as the arbitrators or the majority of them deem more suitable for the purpose. 1 Edw. VII. c 39, s. 34 (2); 4 Edw. VII. c. 30, s. 2 (1); 6 Edw. VII. c 53, s. 23.

Award of arbitrators as to site for rural school.

Reconsideration of award.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. 1 Edw. VII. c. 39, s. 34 (3).

Appointment of arbitrators—their powers.

(4) If the board or the majority of the ratepayers present at a public school meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, the inspector, with the arbitrator appointed, shall meet and determine the matter; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree. 1 Edw. VII. c. 39, s. 35 (2); 6 Edw. VII. c. 53, s. 24.

ACTIONS TO SET ASIDE AWARDS.

Consent of majority of ratepayers to action to set aside award.

12. No action to set aside an award made under this Act shall be undertaken by, or at the instance of, the board of a rural school section without the consent of the majority of the ratepayers of the section present at a special

meeting duly called to consider the advisability of such action being brought. 4 Edw. VII. c. 30, s. 2 (2).

SCHOOL WALLS AND FENCES.

Fence.

13. Any wall or fence deemed necessary by the board or required by the Regulations for the enclosure of the school premises shall be erected and maintained by the board. 1 Edw. VII. c. 39, s. 37 (2).

ENLARGEMENT OF SCHOOL GROUNDS BY BOARD.

Enlargement of school site.

14. Where the area of a rural school site is less than is required by the Regulations the board may, without reference to a special meeting of the ratepayers, enlarge the same so as to conform to the Regulations. 1 Edw. VII. c. 39, s. 38; 6 Edw. VII. c. 53, s. 28.

ALTERATION OF SCHOOL BOUNDARIES.

15.—(1) The council of a township may pass by-laws;

Union of two or more sections.

(*a*) To unite two or more sections in the same township into one section if, at a meeting of the ratepayers in each section called by the board or by the inspector for that purpose, a majority of the ratepayers present at each meeting request to be united. 1 Edw. VII. c. 39, s. 41, (1); 2 Edw. VII. c. 40, s. 2.

Proviso as to township boards,

Provided that when all the school sections in a township have been consolidated the council may limit the number of trustees constituting the board to not less than six, after at least one month's notice in writing has been given to the secretary of the board of the intention to consider a resolution to that effect, and in such case the council may provide for the election of all trustees by a general vote of the ratepayers of the whole township or divide the township into as many districts as there are trustees to be elected and provide for the election of one trustee for each of such districts. 4 Edw. VII. c. 30, s. 3.

Alteration, etc., of school sections.

(*b*) To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite any part of an existing section with another section, or with a new section, or to unite parts of existing sections so as to form a new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union, have been duly

notified, in such manner as the council may deem expedient, of the proposed by-law for that purpose, or of any application made to the council to do so. 1 Edw. VII., c. 39, s. 41 (2); 3 Edw. VII. c. 32, s. 2.

By-law for altering school sections.

(2) No such by-law shall be passed later than the first day of June in any year, nor shall, subject to the provisions as to the formation, alteration or dissolution of union school sections, take effect, except as herein otherwise provided, before the 25th day of December next thereafter, and shall remain in force, unless set aside, as hereinafter provided. for a period of five years.

(3) The township clerk shall transmit a copy of such by-law immediately after the passing thereof to the board of every school section affected thereby and to the inspector. 1 Edw. VII. c. 39, s. 41 (3); 7 Edw. VII. c. 51, s. 9.

When part of section is added to city or town.

(4) Where part of a school section has been added to a city or town, the council of the municipality in which such section is situate may pass a by-law for the readjustment of the boundaries of the remaining part of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 1 Edw. VII. c. 39, s. 41 (4).

CONSOLIDATED SCHOOLS.

Consolidation of sections for central school.

16.—(1) In case the ratepayers in each of two or more rural school sections, at a special meeting duly called by the board or by the inspector for that purpose, pass a resolution to unite for the purpose of carrying on a consolidated school, the council of the township in which the school sections are situate, or, in case the school sections are situate in different townships, then the council of each of such townships may pass a by-law to consolidate the sections for that purpose.

Date of commencement.

(2) The resolutions and by-laws so passed shall fix a date for the establishment of such school, which shall not be less than three months after the passing of the last of such by-laws nor before the first day of the next calendar year after the resolutions are passed.

Name and powers.

(3) The trustees of such consolidated school section shall be a corporation by the name of "The Board of Trustees of Consolidated School," inserting the name of the school, and shall possess all the powers and perform all the duties and be subject to all the liabilities conferred and imposed by this Act upon the trustees of rural schools, and may also provide for the conveyance of pupils to and from school and for the cost thereof; and they may, subject

to the approval of the Minister, select a name for such school.

Maintenance when in different townships or counties.

(4) Where the sections consolidated are in different townships or counties the provisions of this Act relating to union school sections shall apply to the consolidated school section for the purpose of fixing the proportion of the cost of maintaining the school to be borne by the different parts of such consolidated school section; and each township in which any part of the consolidated section is situate shall levy, collect and pay over its proportion, as if such school were a union school.

Original sections to continue to elect trustees

(5) The school sections so consolidated shall maintain their separate identity and each of such sections shall continue to elect trustees as if no consolidation had taken place.

(6) The trustees so elected shall constitute the board of the consolidated school section.

(7) The trustees elected for each of the sections so consolidated shall continue to be a school corporation and shall have the care of the school buildings and property, if any, which belonged to such section before the consolidation, and shall make such requisitions upon the board of the consolidated school as may be necessary to provide insurance and protection therefor.

Care and disposal of property.

(8) The trustees of each section, if authorized by the majority of ratepayers present at a meeting duly called for that purpose, shall dispose of such school buildings and property or any part thereof in such manner and on such terms as the ratepayers may determine at such meeting.

(9) The board of the consolidated school shall include the respective sums required by each separate section under subsection 7 and shall distinguish the same in their annual requisition upon the municipal council or councils for school funds and the sum so required by each separate section shall be levied upon and collected from the taxable property of the public school supporters in that section, and the board of the consolidated school shall pay the same, as required, to the trustees of the respective separate sections. 8 Edw. VII. c. 67, s. 7.

(10) A by-law to form a consolidated school section shall not be passed later than the 1st day of June in any year nor take effect except as herein otherwise provided before the 25th day of December next thereafter, and shall remain in force unless set aside as hereinafter provided for at least five years. *(New.)*

(11) If, at any time after the expiration of five years from the establishment of such school, at a special meet-

ing duly called for the purpose, a majority of all the members of the board of the consolidated school vote in favour of the dissolution of such section, the council or councils of the township or townships in which such section is situate may pass by-laws dissolving such section, and fixing a date for the dissolution, which shall not be less than three months after passing the by-laws nor before the first day of the next calendar year thereafter. (*New.*)

(12) Upon such dissolution, the boards of the separate sections shall have all the powers and perform all the duties of the public school boards as if no such consolidation had taken place, and they may, by agreement arrange for the disposition of the property acquired for or used by the consolidated school and adjust all or any claims and matters among themselves relating to such property or school. (*New.*)

(13) If any claim or matter is not settled by agreement, each board concerned shall appoint an arbitrator and if the number appointed be an even number, those appointed shall appoint an additional arbitrator or if they cannot agree the Minister shall appoint an additional arbitrator and all differences among the boards shall, subject to the provisions of subsection 3 of section 20, be determined by the arbitrators in the manner provided in *The Arbitration Act*. (*New.*)

(14) The township clerk shall transmit copies of all by-laws passed under the provisions of this section immediately after the passing thereof to the board of every section affected thereby and to the inspector. (*New.*)

APPEALS TO COUNTY COUNCILS.

Appeal to county council.

17.—(1) A board, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situate, against any by-law of the township council for the formation, division, union or alteration of their school section or sections: or against the neglect or refusal of the township council, on application being made to it by a board or any five ratepayers concerned, to form, unite, divide or alter the boundaries of a school section or school sections within the township. 1 Edw. VII. c. 39, s. 42 (1).

Time for appeals.

(2) The time for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass the by-law, or from the second meeting after which notice was received by the clerk

of the application of the board or ratepayers asking for such by-law to be passed, as the case may be. 1 Edw. VII. c. 39, s. 42 (2).

Appointment of arbitrators.

(3) The county council may, if it thinks fit, appoint a board of arbitrators consisting of not more than five, nor less than three competent persons, two of whom shall be the County Judge, or some person named by him, and the inspector, a majority of whom shall form a quorum, to hear such appeal and to form, divide, unite or alter the boundaries of the school section or school sections, so far as to settle the matters complained of. 1 Edw. VII. c. 30, s. 42. (3); 7 Edw. VII. c. 51, s. 10.

Notice.

(4) Due notice of the alteration or of the determination of the arbitrators shall be given by the inspector to the clerk of the township, and to the school boards concerned. 1 Edw. VII. c. 39, s. 42 (4, 5).

Appeals in territorial districts.

(5) In a provisional judicial district the appeal shall be to a board of three arbitrators composed of the judge of the District Court or some person named by him, the inspector and some person appointed by by-law or resolution of the township council.

(6) The notice of appeal shall be given to the clerk of the township, the inspector and the judge.

(7) The township council at its first meeting after service of such notice upon the township clerk, shall appoint their arbitrator, and the clerk of the township shall forthwith notify the inspector of such appointment.

(8) The judge upon receipt of the notice of appeal shall notify the inspector in writing of his willingness to act as arbitrator, or shall name some person to act in his stead, and notify the inspector in writing of such appointment.

(9) When the board is complete the judge or his nominee shall convene the first meeting of the board and he shall be chairman thereof. 7 Edw. VII. c. 51, s. 11.

(10) The alterations or determination of such matters, except as herein otherwise provided, shall not take effect before the 25th day of December in the year in which the award is made and shall thence continue in full force for the period of five years at least, and thereafter until changed under this Act. 1 Edw. VII. c. 39, s. 42 (3); 7 Edw. VII. c. 51, s. 10.

Who may act as arbitrators.

(11) No person shall be nominated or appointed arbitrator, who is a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law.

ADJUSTMENT OF CLAIMS BETWEEN BOARDS.

Adjustment of claims between unions in same township.

18.—(1) On the formation, dissolution, division or alteration of any school section or sections in the same township, in case the boards of the sections interested are unable to agree, the inspector and two other persons appointed by the township council shall as arbitrators, value, adjust and determine in an equitable manner all rights and claims consequent upon such formation, dissolution, division or alteration between the respective parts of the township affected, and the determination of the arbitrators or of any two of them shall be final and conclusive. 1 Edw. VII. c. 39, s. 43.

(2) Where there are more inspectors than one the township council shall name the inspector who is to act.

SALE OF SCHOOL PROPERTY.

Disposal of school property when not required.

19.—(1) When a school site, school house or other school property is no longer required, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such manner as a majority of the ratepayers in the altered or united school sections may decide at a meeting duly called for that purpose.

(2) Where ratepayers are transferred from one school section to another, the board of the section to which they are transferred shall be entitled for the public school purposes of the section to such a proportion of the proceeds of the sale, as the assessed value of the property of the ratepayers so transferred bears to that of the whole number of ratepayers of the school section to which they belonged before the separation; and the residue of such proceeds shall be applied to the erection of a new school house or to other public school purposes in the old school section.

(3) In the case of united sections, the proceeds shall be applied to the public school purposes of the united section. 1 Edw. VII. c. 39, s. 44.

School sections and union sections confirmed.

20.—(1) Whenever a school section or a union school section has existed in fact for three months and upwards, and whether the same has been formed in accordance with the provisions of the law or not, it shall be conclusively deemed to have been legally formed and shall continue to exist, subject, however, to the provisions of this Act as far as applicable, as if such section had been formed thereunder, unless, in the meantime, proceedings have been taken calling in question the legal status of such section and notice thereof has been given to the persons who, according to the practice of the Court in which the proceedings are taken,

ought to be served with notice thereof, and such proceedings shall result in its being determined that such section has not been legally formed. 6 Edw. VII. c. 53, s. 29.

Proceedings for formation etc., validated

(2) No proceeding in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section and no arbitration or award in reference thereto or as to any matter which by the provisions of this Act are to be or may be determined by arbitration shall be deemed to be invalid or shall be set aside because of the failure to comply with the provisions of this Act applicable to such proceeding, arbitration or award unless in the opinion of the tribunal before which such proceeding, arbitration or award is called in question, the same, if allowed to stand, will cause substantial injustice to be done to the persons affected thereby or some of them. 6 Edw. VII. c. 53, s. 29.

Jurisdiction of county or district judge.

(3) Should any question arise touching the validity of the proceedings in or in relation to the formation, alteration or dissolution of a rural school section or of a union school section, or touching the selection adoption or change of a school site, or touching any by-law of the council of any municipal corporation in any way relating to such matters or any or either of them or touching any arbitration or award heretofore or hereafter had or made under the provisions or authority of this Act, the same shall not be raised or determined by action or proceeding in the High Court, but shall be raised, heard and determined upon a summary application to the Judge of the county or district court of the county or district in which such school section or some part thereof is situate, and the decision of such Judge shall be final and conclusive, unless special leave to appeal therefrom shall be given by the High Court or a Judge thereof, and if such leave be given an appeal shall lie to the High Court upon questions of law only, upon and subject to such terms and conditions as the Court or Judge giving the leave shall prescribe. 6 Edw. VII. c. 53, s. 29.

Appeals where county judge is arbitrator.

(4) Where the question touches an arbitration or award to which the Judge has been a party, the application shall be heard and determined by the Judge of the county or district court of the adjoining county or district which has the largest population according to the last Dominion census. 7 Edw. VII. c. 51, s. 12.

UNION SCHOOL SECTIONS.

What unions may be formed.

21.—(1) A union school section may be formed between parts of two or more adjoining townships, or between parts of one or more townships and an adjoining urban municipality not being a city or a separated town, or parts of such two adjoining urban municipalities.

(2) A union school section may be formed, altered or dissolved on the petition of five ratepayers from each of the municipalities concerned, to their respective councils, asking for the formation, alteration or dissolution of the section. Procedure for formation, alteration or dissolution of union.

(3) Each of the councils so petitioned may appoint an arbitrator who shall not be a member of the council, and notice of the appointment shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall also be arbitrators.

(4) A council may act upon a petition addressed to the councils concerned or to any two or more of them jointly, if such petition is signed by five ratepayers of the municipality acting thereon.

(5) Where there would otherwise be an even number of arbitrators, the Judge of the county or district court, or some person named by him, shall be added, and where the arbitration affects two or more counties or districts, the Judge of the county or district court of the county or district which has the largest population according to the last Dominion census, or some person named by him shall be added. Where even number of arbitrators appointed county judge to act.

(6) The arbitrators, or a majority of them, may make and publish the award.

(7) The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned. First meeting of arbitrators.

(8) Where the arbitrators determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union section, they shall in their award set forth the specific parcels of land to be included in such new union section, or in such altered section as the case may be. Award, what to contain.

(9) In the event of the transfer of any land from an existing union section to some other section the arbitrators shall in their award set forth to what other section such transfer shall be made.

(10) Where the arbitrators determine upon the dissolution of an existing union section they shall set forth in their award the section or sections to which the land composing such union section shall be attached. In cases of dissolution.

(11) Where the arbitrators are of opinion that it would be in the interests of the parties concerned, and that it is practicable so to do, they may form part of the territory of a section into a new section, or form a new union section, and they shall indicate the land of which such Reorganizing union section.

section or union section shall be composed, and the remainder of the union section shall be disposed of as herein provided.

To fix proportions of liabilities.

(12) Where a new union section is formed or an existing union section is altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection of the school house and the maintenance of the school and other necessary expenses.

Adjustment of claims.

(13) The arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of a union section between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities or by what parts thereof the same shall be paid and the money to be paid by one part of the municipalities or school sections concerned to the union section so formed or altered, and the disposition of the property of the union section, and any payment by one part to the other and the right of any ratepayer affected by the award.

Calling first meeting to elect trustees.

(14) Where a new union section is formed, the inspector authorized under subsection 6 to call the first meeting of the arbitrators, shall call the first meeting of ratepayers for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

Not to take effect till the 25th of December except for certain purposes.

(15) Such union, alteration or dissolution, except as herein otherwise provided, shall not take effect until the 25th day of December, after the award or a certified copy thereof is filed with the clerks of the municipalities concerned, but the trustees may at any time after their election raise money for and may acquire a school site, erect school buildings and provide school equipment.

Reconsideration of union school section award.

(16) A union school section shall not be altered or dissolved for a period of five years after the award has gone into operation, whether the award does or does not change the boundaries of existing sections, but nothing herein shall prevent a municipal council from enlarging the boundaries of a union section as may be deemed expedient. Provided always that two-thirds of the ratepayers of a union section may, at the expiration of three years from the date of its formation, petition the municipal council or councils concerned for a reconsideration of the award for the formation of the section, and the proceedings shall be the same as in the case of a petition under subsection 2.

New arbitration after three years.

(17) Where an award, whether for or against the formation of a new union school section, has not been acted upon,

the proceedings mentioned in subsection 1 may be taken at any time after the expiration of three years after the award was made.

New abitration when award set aside.

(18) Where an award, whether for or against the formation of a new union school section, has been adjudged illegal or void, the proceedings mentioned in subsections 1 and 2 may be taken at any time after the expiration of the time for appealing against the judgment or decision or after the disposition of any appeal therefrom. 1 Edw. VII. c. 39, s. 46; 4 Edw. VII. c. 30, ss. 5 and 6.

Union section partly in organized and partly in unorganized township in territories.

(19) In a provisional judicial district,

(*a*) A union school section may be formed of an organized township or part thereof and an unorganized township or locality, and may be altered or dissolved, and in such case the petition of the ratepayers of the part of such proposed union section not included in the organized township shall be presented to the inspector.

(*b*) The arbitrators shall consist of a person appointed by the council of the organized township, the inspector of the district and the Judge of the district court, or some person named by him, and they shall have all the powers of the board of arbitrators mentioned in the preceding subsections of this section, all of which, so far as applicable, shall apply to the subject matter of this subsection. 1 Edw. VII. c. 39, s. 27 (7).

Alterations of school boundaries not to affect unions.

(20) The powers conferred by this section may be exercised notwithstanding that the period fixed by subsection 2 of section 15 or by subsection 1 of section 30 has not expired. 1 Edw. VII. c. 39, s. 55 (3).

Appeal relating to union school within a county,

22.—(1) Where the territory which it is proposed to form into a union section or where the union section which it is proposed to alter or dissolve, lies wholly within a county the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council from any award made by the arbitrators either for or against the formation, alteration or dissolution of such section or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 21.

(2) On receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils con-

cerned, and such arbitrators shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

(3) The first meeting of such arbitrators shall be called by the county clerk. 1 Edw. VII. c. 39, s. 47.

Appeal relating to union school within two or more counties.

23.—(1) Where the territory which it is proposed to form into a union section, or where the union section which it is proposed to alter or dissolve, lies in more than one county, the board or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal to the Minister from any award made by arbitrators for or against the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators.

(2) The Minister shall have power to alter, determine or confirm such award, or where no award has been made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 21, and the decision of a majority of them shall be final and conclusive.

(3) The first meeting of the arbitrators shall be called by the Minister. 1 Edw. VII. c. 39, s. 48; 6 Edw. VII. c. 53, s. 30.

Collection of rates in union school sections.

24. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and the treasurer shall pay over the same without any charge or deduction to the board entitled thereto. 1 Edw. VII. c. 39, s. 49.

School sections when municipality divided.

25. Where a township is divided for municipal purposes, all school sections which, in consequence of such division, are situate partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 1 Edw. VII. c. 39, s. 50.

Election of trustees, and inspection of union school sections.

26. Every union school section shall, for the purpose of the election of trustees, be deemed one section, and in respect to inspection shall be deemed to be within the municipality in which the school house is situate, or if there are two or more school houses then in that municipality within which a school house is situate, which has the largest amount of property assessed for public school purposes. 1 Edw. VII. c. 39, s. 51.

27. Where a union school section includes an urban municipality divided into wards and part of an adjoining township, the board shall by resolution determine in which ward or wards the ratepayers of the township shall vote for the election of school trustees and on other school questions, and in the absence of any such resolution, then such part of the township shall be considered for all election purposes as attached to the adjacent ward, and if two or more wards are adjacent any such ratepayer may vote in either of such wards. 1 Edw. VII. c. 39, s. 52.

Where ratepayers to vote when municipality divided into wards.

28.—(1) Where part of a township becomes incorporated as or is annexed to and becomes part of an urban municipality, such part shall for all school purposes be deemed to be part of the urban municipality, provided that when the part incorporated or annexed comprises or includes part only of a school section, the municipalities interested, unless determined by agreement after the incorporation or annexation, shall each appoint an arbitrator, who, with the Judge of the county or district court, shall value and adjust in an equitable manner the rights and claims of all parties thereby affected, and shall determine by which municipality or part thereof, the same shall be paid or settled.

Where part of a township is annexed to a city.

(2) The award shall be final and conclusive, and any money found due, either by agreement or under the award, shall be deemed public school moneys and shall be payable out of the property taxable for public school purposes in that part of the school section situate within the indebted municipality.

(3) The provisions of section 44 shall not apply to the money required to be paid under the award or agreement and debentures may be issued to be payable out of the property so taxable without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the council of the municipality.

(4) Subject to the provisions of this Act as to the alteration of school boundaries and the formation of union school sections where a part of a township so incorporated or annexed includes part only of a school section, the part remaining shall constitute a school section by the same name as before the incorporation or annexation and the school corporation shall continue, and the trustees who are in office at the time of such incorporation or annexation shall continue in office until their successors are elected and shall be the Board of Public School Trustees for the part of the section not so included in the urban municipality.

Adjustment of assets and liabilities upon union of municipalities.

(5) Where urban municipalities become united, all the assets and liabilities of the board of each municipality shall be vested in and assumed by the board of the united municipality. 1 Edw. VII. c. 39, s. 53.

MAINTENANCE OF UNION SCHOOLS.

Assessors to determine proportion.

29.—(1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per cent. of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section, is situate, shall, after they have completed their respective assessments and before the first day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies.

Meeting of assessors to determine proportion.

(2) The meeting of the assessors shall be called by the assessor of the municipality in which the school-house is situate.

(3) Where there are more assessors than one, the head of the municipal corporation shall name the assessor who shall act.

(4) Notice of the determination shall be given forthwith to the secretary of the board, and to the clerk of each municipality.

Arbitration where assessors disagree.

(5) Where the assessors disagree, the inspector in whose inspectorate the union section is situate, and the assessors shall be arbitrators to determine the matter and report to the secretary of the board and to the clerk of each municipality, on or before the first day of July.

When school section lies in two counties.

(6) Where the union section is composed of parts of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the school-house of the section is situate shall act with the assessors.

(7) The decision of a majority of the arbitrators shall be final and conclusive until the next equalization of assessments takes effect.

Reconsideration of award.

(8) The assessors or, in the case of an arbitration, the arbitrators on the request in writing of the inspector or of five ratepayers, may within one month after the report of the determination or award to the secretary of the board correct any omission or error in the terms in which the

determination or award is expressed. 1 Edw. VII. c. 39, s. 54; 3 Edw. VII. c. 32, s. 3.

Cost of assessors and arbitrators.

(9) The costs of proceedings under this section, including the fees of assessors and arbitrators, shall be paid by the municipalities in the same proportion as the equalized assessments bear to each other. 3 Edw. VII. c. 32, s. 4.

CONFIRMATION OF BY-LAWS AND AWARDS.

By-law altering sections to be valid unless notice to quash given.

30.—(1) A by-law of a municipal council for forming, altering or dissolving a school section, and an award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years, or, in case of a consolidated school section, for a period of at least three years, notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice of an application to quash such by-law or to set aside such award is given to the township clerk within one month after the publication of such by-law or award, and the same is subsequently quashed or set aside.

What deemed publication of by-law.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary of each board of trustees affected thereby. 1 Edw. VII. c. 39, s. 55 (1, 2); 8 Edw. VII. c. 67, s. 8.

SECOND SCHOOLS MAY BE ESTABLISHED IN SECTIONS WHERE ROADS IMPASSABLE.

31.—(1) Where it appears to the Minister that owing to the condition of the roads or other causes, the public school in any school section in any township is inaccessible, during certain months of the year, to any of the pupils entitled to attend such school, the Minister may require the council to form a new school section or the board to provide a second school in their section.

(2) The Minister may provide that the second school be opened during such months of the year as he may deem necessary and may prescribe the area from which pupils shall have the right to attend such second school.

(3) Any grant in either case from the assisted school fund shall be supplemented by equal amounts from the townships and county councils.

Attendance at school when second school closed.

(4) The provisions of subsection 1 of section 7 shall not apply to a school established under this section, but nothing herein shall relieve the pupils attending such second school from attendance at the public school of the school section during those periods of the school year in

which the second school is closed, nor relieve the board of such school section from the duty of providing school accommodation for such pupils during such periods. 4 Edw. VII. c. 30, s. 17.

SECTIONS IN UNORGANIZED TOWNSHIPS.

Formation of school sections.

32.—(1) The inspector may from an unorganized township or part of an unorganized township, or parts of two or more adjoining unorganized townships into a school section.

Limits of section,

(2) The section shall not, in length or breadth, exceed five miles, and subject to this restriction, the boundaries may be altered by the inspector from time to time.

(3) A school section shall not be formed or altered except on the petition of five heads of families resident within the territory affected.

(4) The inspector on the petition of any head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, may alter the boundaries of such sections so as to transfer such land from one section to the other, but such transfer shall not relieve the land from any taxation required to meet a liability incurred prior to the transfer, nor shall it be made unless in the opinion of the inspector it is more convenient for the child to attend the school in the section to which the transfer is requested.

Exemption from rate on account of distance.

(5) A person whose place of residence is distant more than three miles by the nearest public highway from the school of the section shall be exempt from all rates for school purposes, unless a child of such person attends such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within such distance.

Election of school trustees

(6) After the formation of a section, any two petitioners may, by notice posted for at least six clear days in not less than three of the most public places in the section, appoint a time and place for a meeting for the election of three school trustees for the section.

Trustees' powers and obligations.

(7) The trustees elected at such meeting, or at any subsequent school meeting of the section, shall have the powers and be subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with the provisions of this Act, to raise funds for, and purchase a school site and erect school buildings and provide equipment for the school, but in other respects any alteration of the boundaries of a section shall go into operation on the 25th day of December, next after such alteration, and not before. 1. Edw. VII. c. 39, s. 25; 7 Edw. VII. c. 51, s. 6.

REVISION OF ASSESSMENT ROLLS.

Sections to be divided into groups.

33.—(1) The inspector shall divide the school sections into groups of three or as near thereto as practicable, and shall notify the secretary of each section of the group to which it belongs, and the grouping may be changed from year to year as the inspector may direct.

Court of Revision.

(2) The treasurers of the boards in a group shall constitute a court for the revision of the school assessment rolls of the sections in the group, and for the hearing and determination of any appeals against the same, and the members of such court shall be paid reasonable travelling expenses by their respective boards for their attendance.

When inspector to act as court of revision.

(3) Where from the sparseness of settlements, it would be inconvenient for a court of revision to meet for the revision of the assessment roll of any section, the inspector, on the request of any board may assume the functions of a court of revision for the section on behalf of which the request is made, and all the proceedings of the inspector in the matter shall be subject to the provisions of this Act, and shall have the same effect as if made in a court of revision constituted under subsection 2. 1 Edw. VII. c. 39, s. 26.

Annual assessment roll.

34.—(1) The board shall, annually, at their first meeting and not later than the first day of March in each year, appoint an assessor, who may be one of themselves, to prepare an assessment roll for the section, and the secretary shall submit a certified copy of the same to the proper court for revision.

(2) The assessor shall notify every person assessed by leaving a notice containing the particulars of his assessment at his place of residence, or, if a non-resident, by mailing the same by registered post to his last known address, or, if his address is unknown, by posting up the same in the post office nearest to the land assessed.

Assessor to make oath.

(3) The assessor shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in the section, and shall, before returning his assessment roll to the secretary of the school board, attach thereto a certificate signed by him and verified upon oath according to the form prescribed in *The Assessment Act*.

(4) The assessor shall return the assessment roll to the secretary not later than the first day of June of the year in which the assessment is made.

Appeal against assessment.

(5) A copy of the roll so certified shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the sec-

retary shall be posted up by him in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the assessment.

(6) The notice shall be posted up for at least three weeks before the time appointed for hearing the appeals, and shall be mailed by registered post to the last known addresses of non-resident ratepayers. 1 Edw. VII. c. 39, s. 27 (1, 2, 3).

Manner of appeal.

(7) Subject to the provisions of clauses (*a*) and (*b*), all appeals and the proceedings thereon shall be the same as nearly as may be as in the case of appeals to a court of revision from municipal assessments, and the court of revision shall have the same powers as municipal courts of revision;

(*a*) The notice of appeal shall be given to the treasurer of the board within one month after the delivery, mailing and posting up of the notice provided for by subsection 2.

(*b*) The court may appoint a competent person to be its clerk for each section or one for all the sections.

(8) The assessor when making his assessment, shall enter in a book, to be provided by the board, the name, age and residence of every child between the ages of 8 and 14 years, resident in the section and the name and residence of such child's parent or guardian and shall with the assessment roll return the book to the secretary.

(9) The assessor shall make a census of all the children in the section between the ages of 5 and 16 years and between the ages of 5 and 21 years and shall make a return thereof to the secretary with the assessment roll: and the secretary shall include the same in his annual report to the inspector.

Confirmed roll binding.

(10) The roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section, until the roll for the succeeding year is passed and signed as aforesaid. 1 Edw. VII. c. 39, s. 27 (5).

Assessment of portion of unorganized township forming part of union school section.

35. Any part of an unorganized township which forms part of a union section, the remainder of which is an organized municipality or part of an organized municipality, shall for public school purposes be deemed to be annexed to such organized municipality, and the officers thereof shall make all assessments and collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part

of the unorganized township forming part of such union section as with respect to any part thereof which lies within the organized municipality. 4 Edw. VII. c. 30, s. 16 (1).

Issuing debentures for school sites and houses in certain districts.

36.—(1) In unorganized townships, the board of a section may issue debentures, for the purchase of a school site and the erection of a school house, for such amounts and for such term of years, not exceeding 30, as the board sees fit, or the board may direct that the principal and interest shall be repayable by annual or other instalments in the manner provided by *The Consolidated Municipal Act, 1903*, provided that the issue of the debentures has been sanctioned at a special meeting of the ratepayers of the section.

(2) The debentures shall be signed by the trustees, and shall be sealed with the corporate seal of the board, and shall be a charge upon the taxable property of the public school supporters of the section. 1 Edw. VII. c. 39, s. 33.

COLLECTOR.

Appointment and duties of school collector.

37.—(1) The board may appoint some competent person who may be a member thereof, to collect the rates imposed by them upon the ratepayers of their section, or the sums which the inhabitants or others may have subscribed, and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give security satisfactory to the board and the security shall be lodged for safe keeping with the inspector.

Powers and liabilities of school collector.

(2) Every collector shall have the same powers in collecting the school rate, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the section or township, as a township collector in collecting rates in his township, as provided by *The Assessment Act*. 1 Edw. VII. c. 39, s. 29.

Collection of arrears of taxes in unorganized territory.

(3) The collector shall, on or before the first day of June in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district, showing each lot or parcel assessed, upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed.

Sheriff to enter particulars in book.

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payments of arrears thereafter.

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the same became due, but in the case of payments made before the expiration of such period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter such payment against the proper lot or parcel in the book kept by him.

(6) After the expiration of such period all such arrears shall be payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land for arrears.

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the same became payable the sheriff shall proceed to collect the same by the sale of the lands assessed and the procedure in relation to such sale and the provisions applicable to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities. 7 Edw. VII. c. 51, s. 7.

SCHOOLS IN UNSURVEYED DISTRICTS.

Schools in unsurveyed districts.

38.—(1) In any part of the Province not surveyed into townships, five of the inhabitants thereof who are twenty-one years of age, may call a public meeting of such inhabitants, by giving such notice of the meeting as the public school inspector shall direct.

(2) The meeting may elect three of the inhabitants to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Notice to the Minister of Education.

(3) On receipt of a report from the inspector that a public school has been established and suitable accommodation and equipment provided for public school purposes, the Minister may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for the maintenance of such school as may be approved by the Lieutenant-Governor in Council. 1 Edw. VII. c. 39, s. 28.

(4) In any part of the Province which is not within the jurisdiction of any inspector, the inspector whose residence is nearest to the locality shall have jurisdiction for the purposes of this section, and for his services the trustees shall pay him $4 a day and his travelling expenses during his necessary absence from his place of residence.

(5) The provisions of section 36 shall apply to trustees elected under this section.

EXEMPTIONS.

Exemption by by-law not to affect liability for school rates.

39. No by-law passed by a municipal council after the 14th day of April, 1892, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind. 1 Edw. VII. c. 39, s. 77.

RETURN OF ANNUAL CENSUS.

Clerks to make returns of population.

40.—(1) The clerk of every county shall make a return to the Minister showing the population of each local municipality within the county, and the clerk of every city and of every separated town shall make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, such returns to be made on or before the first day of April in each year. 1 Edw. VII. c. 39, s. 73.

Clerk to furnish Inspector with school statistics.

(2) The clerk of every county shall furnish the inspector forthwith on demand with such school statistics in regard to assessments as the Minister may direct. 7 Edw. VII. c. 51, s. 23.

Clerk to give copy of assessment to Inspector.

41*a*. The clerk of every township shall give to the inspector when requested by him, a statement of the assessed value of each school section as shown by the revised assessment roll for the year, and at the request of any board shall furnish them with a statement shewing the several parcels or lots of land composing the school section, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel or lot, and the number of children between the ages of five and sixteen years in each section, and the cost of preparing this statement shall be paid by the board applying for the same. 1 Edw. VII. c. 39, s. 72 (2).

Statement to be furnished to board by clerk.

APPORTIONMENT OF INVESTMENTS BY TOWNSHIPS.

Apportionment of school money by township councils.

42. The council of every township may by by-law apportion among the school sections in the township, the principal or interest of any investments held by the corporation for public school purposes according to the salaries paid to the teachers engaged by the respective boards during the past year, or according to the average attendance of pupils in each section during the same period. 1 Edw. VII. c. 39, s. 71 (4).

DEBENTURES.

In Urban Municipalities.

Debentures for school purposes.

43.—(1) The council of an urban municipality, on the application of the board, may pass a by-law for borrowing money by the issue and sale of debentures for any one or more of the following purposes: The purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium or teacher's residence, or any addition to the same or any of them, or for repairs or improvements of the school property, or for the purchase of furniture, furnishings, school apparatus, a school library and other equipment.

(2) The debentures and the money to be raised annually for payment thereof shall be chargeable only upon the property of ratepayers who are supporters of public schools.

Submission of question to vote of electors.

(3) Where the council refuses to pass such a by-law the question shall be submitted by the council, if requested by the board, to the vote of the electors qualified to vote under *The Consolidated Municipal Act, 1903*, on by-laws for the creation of a debt, and who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall pass the by-law and issue such debentures. 3 Edw. VII. c. 32, s. 5; 6 Edw. VII. c. 53 s. 42.

Form and term of debenture.

(4) The debentures may be for such amount, and for such term of years, not exceeding thirty, as the council sees fit, or the council may make the principal and interest payable by annual or other instalments, in the manner provided in *The Consolidated Municipal Act, 1903.*

(5) The application for the issue of debentures by the board of an urban municipality to which part of an adjoining township is attached shall be subject to the provisions of this section. 1 Edw. VII. c. 39, s. 76 (2, 3).

In Rural Sections.

Township school debentures.

44.—(1) On the application of a rural school board for the issue of debentures for any of the purposes mentioned in the next preceding section the council of the township shall pass a by-law therefor, and shall forthwith issue debentures to be payable out of the taxable property of the public school supporters of the section in such annual amounts as they may deem expedient, provided always that the proposal for the loan has been submitted to and sanctioned at a special meeting of the ratepayers, called for the purpose. 1 Edw. VII. c. 39, s. 74 (1): 2 Edw. VII. c. 40. s. 6; 6 Edw. VII. c. 53, s. 41 (1).

(2) The application for a loan, for any of such purposes, shall be made by the board of a union school section to the council of the municipality within which the school house or school site of such section is situate, and all debentures for the payment of the loan shall be issued by such municipality. Applications for loans to be made to, and debentures issued by council.

(3) The application must be sanctioned by the ratepayers of the school section in the manner set forth in subsection 1.

(4) Any other municipality or municipalities forming, or any part of which forms, part of the union section shall, on the requisition of the clerk of the municipality by which the debentures were issued, pay its or their share of the loan, including interest, as it comes due according to its or their liability as determined by section 29.

(5) The proportion of the moneys payable by each of the municipalities shall be payable out of the taxable property of the public school supporters therein lying within the section. 1 Edw. VII. c. 39, s. 74 (2); 6 Edw. VII. c. 53, s. 41 (2).

(6) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such section. 1 Edw. VII. c. 39, s. 74 (4). Expenses of publishing by-laws.

(7) Notwithstanding any alteration which may be made in the boundaries of a section, the taxable property of the public school supporters situate therein at the time when such loan was effected, shall continue to be liable for the rate which may be levied for the repayment of the loan. 1 Edw. VII. c. 39, s. 74 (3). Liability for loan.

45.—(1) A rural school board may require the council to raise by one yearly rate such sums as may be necessary for the purchase or enlargement of a school site, or the erection of a school house, or an addition thereto, or a teacher's residence. School property may be paid for by one special rate.

(2) A municipal council shall not levy or collect during any one year more than one school rate except for one or more of the purposes mentioned in subsection 1. 1 Edw. VII. c. 39, s. 75. Council not to levy more than one rate except in certain cases.

BORROWING BY TRUSTEES.

46. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for that purpose, by resolution authorize the borrowing from School corporations may borrow surplus moneys.

any municipal corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for any one or more of the following purposes: the purchase or enlargement of a school site, the erection of a school house, drill hall, gymnasium, or teacher's residence, or any addition to the same or any of them, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. 1 Edw. VII. c. 39, s. 78; 6 Edw. VII. c. 53, s. 43.

RATES.

Councils to levy sums required by trustees.

47.—(1) The council of every local municipality shall levy and collect upon the taxable property of the public school supporters of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in *The Consolidated Municipal Act, 1903*, and *The Assessment Act*, such sums as may be required by the board for school purposes; and shall pay the same to the treasurer of the board from time to time as may be required by the board.

and to account for same.

(2) Every municipal council shall annually account for all moneys collected for public school purposes to the school board of the municipality or of the section.

Excess to be credited to school board.

(3) Where the municipal council collects from the public school supporters of any municipality or of a school section any sum in excess of the sums disbursed on account of the public school or schools within such municipality or section, such excess shall be credited to the board on whose account it has been collected. 1 Edw. VII. c. 39, s. 71 (1); 6 Edw. VII. c. 53, s. 40; 7 Edw. VII. c. 51, s. 18.

Establishment of libraries.

(4) The council of every municipality may, in addition to the sums required by a board to be collected, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools or continuation schools or fifth classes within such municipality, or for supplementing teachers' salaries or retiring allowances.

Correction of errors in collection of rates in previous years.

(5) Every municipal council shall correct any errors or omisisons that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be, to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. 1 Edw. VII. c. 39, s. 71, (2, 3).

RURAL SCHOOL SECTIONS.

School sections in townships.

48.—(1) Where not already so subdivided the municipal council of every township shall subdivide the township into school sections so that every part of the township shall be included in some section, and shall distinguish each section by a number.

Assessors to value lands situated in each section.

(2) Where the land or property of any person is situate within the limits of two or more sections, the parts so situate shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which the same are situate.

Area of new school sections.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the proposed section, unless such proposed section is more than four square miles in area, provided that a smaller area, although it contains a less number of such children, may be formed into a school section where, because of lakes or other physical conditions, a section convenient for school purposes containing an area of more than four square miles cannot be formed.

Township clerk to prepare maps of school sections.

(4) Every township clerk shall prepare in triplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; and shall furnish one copy to the county clerk, for the use of the county council, one to the county or district school inspector and retain the other in his office, for the use of the township council, and shall furnish annually, on or before the first day of December, to the local inspector, information in writing of the acreage, the assessed value, the rate for school purposes and the school population between the ages of five and twenty-one years of each section or part of a union section within the township. 1 Edw. VII. c. 39, s. 12 (1 to 4); 6 Edw. VII. c. 53, s. 8.

RURAL SCHOOL TRUSTEES.

Trustees to be corporation.

49.—(1) The trustees of every rural school section shall be a corporation by the name of "The Public School Board of Section No. of the Township of in the County of ," inserting the number of the section and the names of the township and county.

Trustees, term of office of.

(2) For every rural school section there shall be three trustees each of whom, in rotation, shall, except as herein otherwise provided, hold office for three years and until his successor has been elected.

Trustees, qualification of.

(3) The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepay-

ers or farmers' sons, being residents within the meaning of *The Consolidated Municipal Act, 1903*, of the full age of twenty-one years, not disqualified under this Act, and no person not so qualified shall be elected or competent to act as trustee. 1 Edw. VII. c. 39, s. 10 (1, 2).

Elections in new sections.

50.—(1) At the first election in every new section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year; or in case of a poll being taken, the trustee receiving the highest number of votes shall hold office for three years; the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

(2) Where two or more trustees have received an equal number of votes the chairman shall give a casting vote or votes.

(3) The first year in each case shall be deemed to commence at the date of such first election and extend till the date fixed by this Act for holding the second annual meeting of ratepayers thereafter. 1 Edw. VII. c. 39. s. 12 (6); 6 Edw. VII. c. 53, s. 10.

Corporation not to cease by want of trustees.

51. A school corporation shall not cease to exist by reason of the want of trustees, but if there are no trustees any two ratepayers of the section, or the inspector, by giving six days' notice, to be posted up in at least three of the most public places of the section, may call a meeting of the ratepayers, who shall elect three trustees, in the manner prescribed by this Act. 1 Edw. VII. c. 39, s. 10 (3).

Council may appoint trustees when no election.

52.—(1) Where the ratepayers of a section, for two years neglect or refuse to elect trustees, the council of the township may appoint trustees for the section, one for three years, one for two years, and the third for one year, to be reckoned from the date upon which the last election should have been had by the ratepayers, and may fill the vacancies on the board so long as the ratepayers neglect to do so.

Dissolution of school section on non-election of trustees.

(2) Instead of appointing trustees the council may by by-law declare the section dissolved and attach the same, in such proportions as they may deem expedient, to adjoining sections, and the assets of the section shall be disposed of as may be determined by the council. 1 Edw VII. c. 39, s. 10 (4).

MEETINGS OF RATEPAYERS.

Annual meeting, when held.

53.—(1) A meeting of the ratepayers of every section for the purpose (among other things) of electing trustees shall be held annually on the last Wednesday of December, commencing at the hour of ten o'clock in the forenoon,

at such place as the board shall by resolution determine or in the absence of such resolution at the school house of the section. 1 Edw. VII. c. 39, s. 14 (1).

Proceedings on formation of new school section.

(2) Where a new section is formed in a township the clerk shall fix the place for the first meeting and shall call the same for the fourth Wednesday after the time for appealing against the by-law forming the section has expired or after the final disposition of the appeal, if any, by causing notices to be posted up in three of the most public places in the new section at least six clear days before the date when the meeting is to be held.

(3) The meeting shall be held at the same hour and conducted in the same manner as the annual meeting in organized sections.

(4) At any time after the election of trustees in a new school section, proceedings may be taken under the provisions of this Act to raise money for and acquire a school site, erect school buildings and provide school equipment. 1 Edw. VII. c. 39, s. 12 (5); 6 Edw. VII. c. 53, s. 9; 7 Edw. VII. c. 51, s. 3.

Meeting to be called in default of first or annual meeting.

(5) When any school meeting has not been held at the proper time, the inspector, or any two ratepayers in the section, may call a meeting of the ratepayers by giving six clear days' notice, to be posted up in at least three of the most public places in the school section; and the meeting so called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Organization of meeting.

(6) The ratepayers present at a school meeting shall elect one of their number as chairman, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as are required of him by this Act.

Chairman, duties of.

(7) The chairman shall submit all motions to the meeting in the manner desired by the majority, and shall be entitled to vote on any motion and in case of a tie the motion shall be declared to be negatived and he shall decide all questions of order, subject to an appeal to the meeting.

Order of business.

(8) The business of every school meeting may be conducted in the following order:—

(*a*) Receiving the annual report of the trustees, and disposing of the same;

(*b*) Receiving the annual report of the auditor, and disposing of the same;

(*c*) Electing an auditor for the ensuing year;

(*d*) Miscellaneous business;

(*e*) Instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture;

(*f*) Fixing the remuneration, if any, to be paid the secretary for attending to repairs and other duties assigned him by the board;

(*g*) The election of trustees. 1 Edw. VII. c. 39, s. 14 (2, 3, 4, 5).

VOTING ON ELECTIONS OR SCHOOL QUESTIONS IN A RURAL SECTION.

Poll to be granted on application of two ratepayers.

54.—(1) A poll may be demanded by any two ratepayers at a meeting for the election of trustees, or for the settlement of any school question in a rural section, and such poll shall be granted by the chairman forthwith, if demanded within ten minutes after the result of a vote has been declared by the chairman. 1 Edw. VII. c. 39, s. 15 (1).

Proceeding in case of a poll.

(2) Where a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded, and shall write therein the names and residences of the ratepayers offering to vote within the time prescribed by this Act, and shall, in the column in which is entered the name of a candidate voted for by a voter, set the figure "1" opposite the voter's name. 1 Edw. VII. c. 39, s. 15 (2); 6 Edw. VII. c. 53, s. 12.

Poll-book.

(3) Where a poll is granted on any school question the secretary shall prepare a poll-book with two separate columns marked respectively "for" and "against"; and shall, write therein the name and residence of each ratepayer voting on the question; and shall record his vote by setting the figure "1" opposite his name in the proper column so as to show how he votes on the question. 6 Edw. VII. c. 53, s. 13.

When voter is objected to.

(4) If objection is made to the right of any person to vote, the chairman, if the name of such person appears on the assessment roll, shall require such person to make the following declaration:

Declaration.

(1) I, *A. B.*, declare and affirm that I am an assessed ratepayer (*or* farmer's son entitled to vote under *The Consolidated Municipal Act, 1903*), in school section No.

(2) That I am of the full age of 21 years;

(3) That I am a supporter of the public school in said school section No. ; (*or*, in case of a claim to vote as a farmer's son) that my father (mother, step-father, step-mother, as the case may be) is a supporter of the public school in said school section No.

and that I have been a resident of said section for the past six months. (See 6 Edw. VII. c. 53, s. 14.)

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 1 Edw. VII. c. 39, s. 15 (4).

When poll shall close.

(5) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than four o'clock in the afternoon.

(6) When the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie, the chairman shall give a second or casting vote.

(7) In the case of an election of trustee the chairman shall then declare the candidate elected for whom the highest number of votes has been polled and in case of a vote on a school question, he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same.

Copy of minutes to be sent to inspector.

(8) A correct copy of the minutes of every school meeting, and a copy of the poll-book where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the inspector. 1 Edw. VII. c. 39, s. 15 (5, 6).

Acceptance of office by trustees.

(9) The secretary of every school meeting at which any person is elected as trustee shall forthwith notify him in writing of his election, and of the name and address of the chairman of the meeting, and every person so notified shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the date of election. 1 Edw. VII. c. 39, s. 15 (7); 6 Edw. VII. c. 53, s. 15.

Complaints as to elections.

(10) Where complaint is made to the inspector by a ratepayer that the election of a trustee, or that the proceedings or any part thereof of a school meeting, have not been in conformity with this Act, the inspector shall investigate the complaint, and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election, or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the inspector within twenty days after the holding of the election or meeting; and it shall not be incumbent upon the inspector to set aside such election or any proceeding for want of formal compliance with the provisions of this Act if he is satisfied that the

result of such election or proceeding has not been affected thereby.

Clerk to supply list of school voters.

(11) The clerk of the municipality shall supply a list of the persons qualified to vote when required by the board or when required by the inspector in the case of an investigation with regard to the election of a trustee, or the proceedings of a school meeting. 1 Edw. VII. c. 39, s. 15 (8); 6 Edw. VII. c. 53, s. 16.

URBAN SCHOOL BOARDS.

Board to be a corporation.

55.—(1) Every board in urban municipalities, shall be a corporation by the name of "The Public School Board". (prefixing to the words "Public School Board" the name of the municipality for which the board is elected).

Who may be elected trustees.

(2) Any ratepayer who is a British subject resident in the municipality of the full age of twenty-one years and not disqualified, may be elected a public school trustee, and every trustee except as otherwise herein provided, shall continue in office until his successor has been elected and the new board organized, and no person who is not a British subject shall be elected or competent to act as trustee. 1 Edw. VII. c. 39, s. 56.

First election of trustees.

56.—(1) Where an unincorporated village becomes incorporated or a village or town changes its corporate status, the board having jurisdiction over the school property situate within such village, or town, before its incorporation or before the change of its corporate status shall exercise all the powers conferred by this Act upon the board of an urban municipality, until a new election of trustees is held.

(2) Where an unincorporated village becomes incorporated the board shall call a meeting of the ratepayers within one month after the date of the incorporation for the election of a new board.

(3) In calling the meeting the provisions of section 60 shall be complied with so far as the same are applicable. 1 Edw. VII. c. 39, s. 57.

Municipalities divided into Wards.

Trustees in city, etc., divided into wards

57.—(1) For every ward into which an urban municipality is divided there shall be two trustees, each of whom shall, except as otherwise provided in this Act, continue in office for two years, and until his successor has been elected and the new board organized. 1 Edw. VII. c. 39, s. 58 (1); 6 Edw. VII. c. 53, s. 31.

(2) After the first election of trustees in any ward or when from any cause the two trustees in any ward are elected simultaneously, one of them (to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes) shall hold office for one year and the other for two years, and after such first or simultaneous election one trustee shall be elected annually for each ward. 1 Edw. VII. c. 39, s. 58 (2); 6 Edw. VII. c. 53, s. 32. In wards one trustee to retire each year.

Municipalities not divided into Wards.

58.—(1) The board of a town or village not divided into wards shall consist of six trustees, each of whom, except as otherwise provided in this Act, shall continue in office for two years and until his successor has been elected and the new board organized. 1 Edw. VII. c. 39, s. 59 (1); 6 Edw. VII. c. 53, s. 33 (1). Trustees in villages not divided into wards.

(2) After the first election, three of the board (to be determined by lot at the first meeting of the board after their election, which determination shall be entered upon the minutes) shall hold office for one year and the other three for two years, and after the first election three trustees shall be elected annually 1 Edw. VII. c. 39. s. 59 (2); 6 Edw. VII. c. 53, s. 33 (2).

QUALIFICATION OF VOTERS.

59.—(1) Every ratepayer of the full age of twenty-one years, who is assessed as a public school supporter in an urban municipality or in a school section, as the case may be, and every person qualified to vote as a farmer's son under *The Consolidated Municipal Act, 1903*, shall be entitled to vote at the election of school trustees and in a rural school section on all school questions. 1 Edw. VII. c. 39, s. 13. Who may vote.

(2) Any person exempted from the payment of school rates wholly or in part on account of indigence shall be disqualified from voting. 6 Edw. VII. c. 53, s. 35. No vote when exempted from school rates.

ELECTION OF TRUSTEES IN URBAN MUNICIPALITIES.

60. Subject to the provisions of section 61, elections of public school trustees in urban municipalities shall be held in the manner following:— Provisions for elections of trustees.

(*a*) A meeting of the ratepayers for the nomination of candidates shall take place at noon on the last Wednesday in the month of December, annually, at such place as shall be fixed by resolution of the board, and in municipalities divided into Nominations.

wards, in each ward thereof, if the board so directs.

Returning officer.

(*b*) The board shall by resolution before the second Wednesday in December in each year name the returning officers to preside at the meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer a chairman chosen by the meeting shall preside, and the board shall give at least six days' notice of such meeting.

Proceedings at nominations.

(*c*) If at such meeting only the necessary number of candidates are proposed and seconded, the returning officer or chairman, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary; but if more candidates are nominated than are required to be elected, the returning officer or chairman shall adjourn the proceedings until the first Wednesday in January then next, when a poll or polls shall be opened at such place or places, and in each ward, where the municipality is divided into wards, as shall be determined by resolution of the board.

Hours of polling.

(*d*) The polls shall be opened at the hour of ten o'clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, but any poll may be closed at any time after eleven o'clock in the forenoon, when a full hour elapses without a vote having been polled;

In cities and towns divided into wards clerk of municipality to furnish voters' list to public school boards.

(*e*) In urban municipalities, and where township boards exist, the clerk of the municipality shall furnish to the board, within three days after request in writing, "The Voters' List" of the municipality, together with a supplementary list either printed or in writing of the names of persons who are assessed as supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers who are not already upon "The Voters' List";

Certified copy of list and a poll book to be provided for each polling place.

Entries in poll book.

(*f*) The board shall provide each polling place with such lists, and a poll book; and the returning officer or deputy returning officers, or the poll clerk, shall enter in such book in separate columns the names of the candidates nominated and shall write the names and residences of the ratepayers offering to vote at the election, and shall, in each column in which is entered

the name of a candidate voted for by a voter set the figure "1" opposite the voter's name; (*see* 6 Edw. VII. c. 53, s. 34).

(*g*) When an objection is made to the right of a person to vote, the returning officer or deputy returning officer shall require such person to make the following oath or affirmation:— Oath to be administered when voter objected to.

You swear (*or* solemnly affirm) that you are the person named, (*or* intended to be named,) in the list (*or* supplementary list) of voters now shown to you (*showing the list to voter*); Form of oath.

That you are a ratepayer;

That you are of the full age of twenty-one years;

That you are a public school supporter;

That you have not voted before for School Trustee at this election, either at this or any other polling place in this Ward, (*or* in this Municipality *where the municipality is not divided into wards*) for School Trustee;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or to refrain from voting at this election. So help you God.

1 Edw. VII. c. 39, s. 61.

whereupon the person making the oath or affirmation shall be entitled to vote,

(*h*) The returning officer or deputy returning officer shall, on the day after the close of the election, return the poll book to the secretary, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer or deputy returning officer; Duty of returning officer after close of election.

(*i*) The secretary shall add up the number of votes for each candidate, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them; Duty of Secretary.

(*j*) When the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of such candidates shall be notified of the first meeting of the Casting vote.

board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll, shall, before the organization of the board, give a vote for one or more of such candidates, so as to decide the election. 1 Edw. VII. c. 39, s. 60.

ELECTION BY BALLOT.

Elections of trustees on same day as municipal elections.

61.—(1) The board of an urban municipality or a township board may, by resolution of which written notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality or township, to be held by ballot on the same day as municipal councillors or aldermen are elected, as the case may be.

Trustees may discontinue use of ballot at elections.

(2) Any such board may in like manner discontinue the use of the ballot, on giving written notice to the clerk to that effect at the time hereinbefore mentioned, and thereafter the elections shall be conducted as provided in section 60.

Ballot not to be discontinued or resumed for three years after the change.

(3) Where any such board requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 60 shall apply for a period of three years at least after such discontinuance.

Mode of conducting elections by ballot.

(4) Where notice is given requiring the election to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors and the provisions of *The Consolidated Municipal Act, 1903*, respecting the time and manner of holding the election, including the mode of receiving the resignation of persons nominated, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election.

Rev. Stat. c. 223.

Form of ballot papers.

(5) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for councillors or aldermen, and no ballot shall be delivered to any person who is entered on the list of voters as a separate school supporter. 1 Edw. VII. c. 39, s. 61.

62.—(1) In towns divided into wards the board by resolution may limit the number of trustees to six, provided that at least one month's notice was given of the intention to consider a resolution to that effect, and such limitation shall not come into operation until the close of the current school year. Election of trustees where wards abolished.

(2) When such resolution has been adopted the election shall thereafter be by vote of the electors of the whole municipality.

(3) The board shall by lot determine what trustee or trustees shall retire in addition to the number retiring by annual rotation in order to admit of the election of three new trustees at the next annual election, and thereafter three trustees shall be elected annually by the ratepayers of the whole municipality to fill the place of the same number retiring by rotation. 1 Edw. VII. c. 39, s. 61.

(4) In cities and, until a resolution has been passed under the next preceding subsection, in towns the trustees shall continue to be elected by wards notwithstanding that the aldermen or councillors are elected by a general vote and not by wards. Election of trustees when council elected by general vote.

(5) Where the trustees are elected by ballot the election shall be conducted as nearly as may be in the manner provided in the preceding provisions of this section, and the officers for holding such election shall be appointed by the municipal council as if the election of aldermen or councillors by general vote had not been adopted for such city or town. Vote by ballot.

(6) Where the election is not by ballot it shall be conducted as nearly as may be in accordance with the provisions of section 60. 2 Edw. VII. c. 40, s. 3 (1). Open voting.

VACANCIES ON BOARD.

63.—(1) Where the office of trustee becomes vacant from any cause, the remaining trustees shall, except as provided in subsection 2 of section 62 forthwith hold a new election to fill such vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected. Vacancy in office of trustee.

(2) In the case of an urban municipality if such vacancy occurs within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing annual election. 1 Edw. VII. c. 39, s. 62. Special case.

CONTROVERTED ELECTIONS.

Judge of County court to receive and investigate complaints.

64.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township board has been established shall be made to the Judge of the County or District Court within twenty days after such election, and he shall, within a reasonable time, in a summary manner, hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books, and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit and may cause such persons as he may deem expedient to appear before him and give evidence. 1 Edw. VII. c. 39, s. 63 (1); 2 Edw. VII. c. 40, s. 4 (1).

(2) The Judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed; and if the Judge determines that any other person was duly elected, he may order such person to be admitted: and if the Judge determines that no person was duly elected, he shall order a new election to be held, and he shall in all cases report his decision to the secretary of the board. 1 Edw. VII. c. 39, s. 63 (2); 2 Edw. VII. c. 40, s. 4 (2).

65. In the case of an election of trustees in an urban municipality or in a township for which a township board has been established the provisions of *The Consolidated Municipal Act, 1903*, as to bribery and undue influence shall apply, and in every case in which an election is complained of on those grounds the enquiry by the Judge in reference thereto shall be by oral testimony only.

RESIGNATIONS.

Trustees may resign.

66.—(1) A trustee of a rural section may resign by giving notice, in writing, to each of the other trustees.

Re-election of any trustee lawful.

(2) Where after the resignation of a rural school trustee he has continued to act for three months without his right to do so having been called in question by proceedings to vacate his seat, or for the holding of a new election, he shall be deemed to have continued to be a trustee notwithstanding his resignation and shall hold office for the residue of the term for which he was elected. 7 Edw. VII. c. 51, s. 4.

Urban trustees may resign.

(3) A member of an urban board may resign by giving written notice of his resignation to the secretary.

(4) A retiring trustee shall be exempted from serving for four years next after leaving office, but he may with his own consent be re-elected. 1 Edw. VII. c. 39, s. 16; 3 Edw. VII. c. 32, s. 1. Trustee resigning but continuing to act.

MEETINGS OF BOARDS.

67.—(1) Every urban board shall hold its first meeting in each year on the third Wednesday in January, at the hour of seven o'clock in the evening, or at such other hour on the same day and at such place as may have been fixed by resolution of the former board; or, if no place has been so fixed, at the usual place of meeting of the council of the municipality. First meeting of Board.

(2) The secretary shall preside at the election of chairman, or, if there be no secretary, or in his absence, the members present shall choose one of themselves to preside at such election, and the member so chosen may vote as a member. President at first meeting.

(3) In case of an equality of votes at the election of chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. Casting vote.

(4) The presence of a majority of the members constituting a board shall be a quorum at any meeting, and a vote of the majority of such quorum shall be necessary to bind the corporation. 1 Edw. VII. c. 39, s. 64. Quorum of school boards, etc.

(5) On every question (other than the election of a chairman) on which there is an equality of votes, if no decision is arrived at during the same meeting and after the members have voted twice on the question at a second meeting specially called for that purpose, the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote. 4 Edw. VII. c. 30, s. 7. Member assessed for largest sum to have a casting vote in case of a tie on any question in Public School Board.

68.—(1) Subject to the provisions of subsection 4 of section 53, every rural school board shall hold its first meeting in each year at the school house of the section on the Wednesday following the annual meeting, at the hour of 4 o'clock in the afternoon, and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer. Organization of board.

(2) Subsequent meetings shall be held at such time and place as the board may deem expedient.

(3) The presence of a majority of the members constituting a board shall be necessary to form a quorum. 1 Edw. VII. c. 39, s. 17.

Corporate acts must be adopted at lawful trustee meetings.

69. No act or proceeding of a rural school board which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding. 1 Edw. VII. c. 39, s. 20; 6 Edw. VII. c. 53, s. 20.

NON-RESIDENT PUPILS.

Admission of non-resident pupils.

70.—(1) The board shall admit to the school any non-resident pupil who resides nearer to such school than to the school in his own section if the inspector reports that the accommodation is sufficient for the admission of such pupil, and in case of dispute as to distance, the decision of the inspector shall be final.

Fees of non-resident pupils.

(2) The parent or guardian of such non-resident pupil shall pay such fees monthly as may be prescribed by the board, but such fees, together with the taxes, if any, paid by the parent or guardian to such school, shall not exceed the average cost of the instruction of the pupils of such school. 1 Edw. VII. c. 39, s. 95 (1, 2).

A resident of one section sending his children to another section.

(3) The parent or guardian shall be liable for the payment of all rates assessed on his taxable property for the purposes of the section in which he resides, but the board of that section may remit the whole or any part of such rates, not exceeding the amount of the fees paid to the board of the neighbouring section. 1 Edw. VII. c. 39, s. 95 (3); 6 Edw. VII. c. 53, s. 52.

Attendance of children of non-residents.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. 1 Edw. VII. c. 39, s. 95 (4).

Remission of school tax where certain fees paid.

(5) Where the children attending a neighbouring section reside three miles or more by the nearest public road from the school house in the section to which they belong, the board of the section in which such children reside shall remit so much of the taxes payable by the parents or guardians of such children for school purposes as equals the fees paid to the board of the neighbouring section. 1 Edw. VII. c. 39, s. 95 (5); 6 Edw. VII. c. 53. s. 53.

Pupils in house of refuge.

(6) A person of school age maintained in a county house of refuge shall be deemed to be a non-resident, and the county council shall pay to the board of the school attended by such person such monthly fees as may be agreed upon, or at least the average cost of the instruction of the pupils of such school. 1 Edw. VII. c. 39, s. 95 (6).

Providing for admission of pupils from rural school section to urban schools.

71.—(1) The ratepayers of a rural section may by resolution at the annual or any special meeting, authorize the board to provide for the admission of the pupils of such section to the schools of any adjoining urban municipality or school section, subject to the approval of the Minister and of the board of such urban municipality or school section, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation which the board is required by this Act to make for the pupils of the section, and as a public school within the meaning of sections 88 and 89.

(2) The first mentioned board may levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of such urban municipality or school section, to pay for the conveyance of the pupils to and from such schools, and also such other sums as they may deem expedient, or as may be required by this Act.

(3) In ascertaining the average attendance of pupils at an urban school for the purpose of apportioning the legislative grant, the pupils attending such school under the provisions of subsection 1 shall not be included.

(4) The township council shall pay to the board of such rural section their actual disbursements for the maintenance of their pupils at, and their transportation to and from the school which they attend, not exceeding the minimum sum required by subsection 2 of section 88 and subsections 1 and 2 of section 89, to be levied, collected and applied to teachers' salaries.

(5) The board shall also be entitled to receive such share of the legislative and county grants as may be determined by the Minister in case the amount received from the township council is not sufficient to cover such actual disbursements. 1 Edw. VII. c. 39, s. 21; 2 Edw. VII. c. 40, s. 1; 4 Edw. VII. c. 30, s. 1; 7 Edw. VII. c. 51, s. 5.

DUTIES OF TRUSTEES.

Duties of Board.

72. It shall be the duty of the boards of all public schools and they shall have power:—

Appointment of secretary and others.

(*a*) To appoint a secretary and a treasurer or a secretary-treasurer, who may be a member of the board and to appoint such committees, officers and servants as may be deemed expedient;

To fix meetings of the board.

(*b*) To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a correct account of the proceedings

of such meetings and to transmit to the Minister all returns and reports required by the Regulations;

Inspection of school property at first meeting of board.

(*c*) In the case of a rural school board at the first meeting of the board to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some person for that purpose;

To provide adequate accommodation.

(*d*) To provide adequate accommodation for all children between the ages of five and sixteen years resident in the municipality, and in the case of rural schools for two-thirds of such children resident in the section, as ascertained in both cases, by the school census taken by the assessor in the next preceding year, and in computing such residents the children of persons on whose behalf a separate school has been established under *The Separate Schools Act* shall not be included;

To provide school premises, apparatus, prize books and library.

(*e*) To acquire or rent school sites and premises, and to build, repair, furnish and keep in order the schoolhouses, furniture, fences and all other school property and to keep the wells, closets and premises in a proper sanitary condition;

(*f*) To procure registers, maps, globes, apparatus, and, if deemed expedient, prize books and to establish and maintain school libraries. 1 Edw. VII. c. 39, s. 65 (1, 2, 3, 4).

To determine number of schools, etc.

(*g*) To determine the number, grade, territorial boundaries and description of schools to be opened and maintained; the teachers to be employed; the terms on which they are to be employed, and their remuneration and rank, whether principals or assistants;

(*h*) To keep open each school during the whole period of the school year, except where it is otherwise provided by this Act; and, if deemed expedient, to establish kindergartens and classes for industrial training and instruction in household science;

Dental and medical inspection.

(*i*) To provide and pay for such dental and medical inspection of the pupils as the Regulations may prescribe, or, in the absence of Regulations, as the board may deem proper 7 Edw. VIII c. 51, s. 15.

(*j*) To expel from the school a pupil who is adjudged by the board and the teacher to be so refractory that his presence in school is injurious to the other pupils. 1 Edw. VII. c. 39, s. 65 (6). Dismissal of refractory pupils.

(*k*) If deemed expedient, to purchase for the use of pupils, text books and other school supplies; and either to furnish the same to the pupils free of charge or to collect for the use thereof from their parents or guardians a sum not exceeding twenty cents per month per pupil to defray the cost thereof. 6 Edw. VII. c. 53, s. 37. Trustees may collect a fee from parents for books, etc.

(*l*) If deemed expedient to exempt any indigent person from the payment of school rates, in whole or in part, and to notify the clerk of the municipality of such exemption, on or before the first day of August, and where deemed necessary to provide for the children of such person text books and other school supplies at the expense of the board; 1 Edw. VII. c. 39, s. 65 (8). Exemption of indigent persons from school rates.

(*m*) To provide and pay, in the case of urban schools, salaries of inspectors, teachers, instructors and other officers and employees of the board, repairs to buildings, furnishings, fuel, light, stationery, equipment, insurance and miscellaneous expenses, including travelling expenses of trustees and officers of the board incurred by the authority of the board; Urban boards to pay officials and maintenance expenses.

(*n*) To submit to the municipal council, on or before the first day of August, or at such time as may be required by the council, an estimate, for the current year, of the expenses of the schools under their charge; 1 Edw. VII. c. 39, s. 65 (9). To lay before council estimates for moneys.

(*o*) To provide, in the case of rural schools, for the payment of teachers' salaries quarterly and, if necessary, to borrow on the promissory note of the board, under its corporate seal, at interest not exceeding six per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected; 1 Edw. VII. c. 39, s. 65 (10). Payment of teachers' salaries.

(*p*) To submit, in the case of urban municipalities, all accounts, books and vouchers to be audited by the municipal auditors whose duty it shall be to audit the same, and to publish as soon as the audit is made in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors, with their find- To publish auditors' report.

ings and recommendations; 1 Edw. VII. c. 39, s. 65 (11).

Custody and disposal of school property.

(*q*) To take possession of all property acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or given; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof for school purposes or as directed by this Act; 1 Edw. VII. c. 39, s. 65 (12).

Supplementing superannuation allowances.

(*r*) To supplement out of school funds, as deemed expedient, any allowance payable under this Act to superannuated teachers; 1 Edw. VII. c. 39, s. 65 (13).

Execution of teachers' agreements.

(*s*) To execute the agreement with each teacher required by subsection 1 of section 85, and to procure the execution thereof by the teacher before he enters upon his duties;

Use of school house.

(*t*) To permit the school house and premises to be used for any educational or other lawful purpose, which may be deemed proper, provided the proper conduct of the school is not interfered with; 7 Edw. VII. c. 51, s. 15.

Evening lectures.

(*u*) If deemed expedient, and subject to the Regulations, to establish, conduct and maintain free lectures open to the public, and to include in their estimate for the current year the expense thereof; 7 Edw. VII. c. 51, s. 15.

Dismissal of secretary or treasurer.

(*v*) If deemed expedient, to dismiss the secretary or treasurer at any time and thereupon to make a new appointment to fill the vacancy; 8 Edw. VII. c. 67, s. 9.

Penny Savings Banks.

(*w*) If deemed expedient, to provide books, stationery and other materials necessary in connection with the establishment and maintenance of a Penny Savings Bank, or any system introduced for the encouragement of thrift and the habit of saving. 8 Edw. VII. c. 33, s. 55.

Employing teachers in charitable institutions.

73. The board of a city, when so requested in writing, by a charitable organization having the charge of children of school age, may employ teachers for such children, and may furnish for their use all school supplies, and such children shall be considered public school pupils, and shall be subject to the provisions of this Act. 1 Edw. VII. c. 39, s. 67.

74.—(1) An urban board may expend such sums as it may deem expedient in promoting and encouraging gymnastics and other athletic exercises provided such sums shall not exceed two hundred dollars per annum when the annual registered attendance of pupils does not exceed 3,000 and $50 additional for each additional thousand in attendance. Grant for encouragement of physical training.

(2) The board may also provide uniforms for classes in military drill. Military uniforms.

(3) Where a board of education has been established in any city or town, the allowance for games to high schools and public schools may be consolidated, and games for the high schools and public schools held on the same day. 7 Edw. VII. c. 51, s. 17. Consolidation of funds for games.

DUTIES OF TREASURER.

75.—(1) The treasurer shall give such security as may be required by the board, and the security shall be deposited with the clerk of the municipality. Security to be given by secretary-treasurer.

(2) A trustee shall not be surety for the treasurer or for any person entrusted with school money. 1 Edw. VII. c. 39, s. 112, *part*.

(3) The treasurer shall receive all school moneys and shall account for the same and shall disburse all moneys as directed by the board, and he shall produce when required by the board, or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board. 1 Edw. VII. c. 39, s. 18; 6 Edw. VII. c. 53, s. 18. Duties.

DUTIES OF SECRETARY.

76. It shall be the duty of the secretary:—

(*a*) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the board for that purpose, and to see that the minutes, when confirmed, are signed by the chairman of the meeting; Duties of secretary Minutes of meetings.

(*b*) To call a special meeting of the board, at the request in writing of two trustees or of ten ratepayers, specifying the objects for which the meeting is to be held; and to state the objects of the meeting in the notice calling the same; Calling special meetings.

(*c*) In the case of a rural section, to give notice in writing, before the 15th day of January, in each year, to the inspector and to the clerk of the municipality of the names and post office Names and addresses of trustees and teachers to be given to township clerk.

addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

Notice of annual meeting and meetings to fill vacancies in board, etc.

(*d*) In the case of a rural section to give the notice required by this Act of each annual meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the board, or on the request in writing of ten ratepayers, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor or for any other lawful school purpose; to cause notices of the time and place, and of the objects of such meeting, to be posted up in three or more public places in the section, at least six clear days before the time of holding such meeting; and to cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during such year and any further information that may be required by the Minister or by the Regulations, such report to be signed by the trustees and by either or both of the auditors of the section;

Report at annual meeting.

Annual and semi-annual returns.

(*e*) To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Regulations. 1 Edw. VII. c. 39, s. 19; 6 Edw. VII. c. 53, s. 19.

Compensation of secretary-treasurer.

77. The secretary may be allowed such remuneration for his services and for attending to the repairs of the schoolhouse or premises as shall be fixed by resolution of the annual meeting duly entered on the minutes. 1 Edw. VII. c. 39, s. 18 (4).

AUDITORS.

Auditors.

78.—(1) There shall be two auditors for every rural section, one of whom shall be elected annually by the ratepayers at the annual meeting or at a special meeting and the other appointed by the board on or before the first day of December in each year.

(2) Where an auditor dies or refuses or is unable to act another may be elected or appointed in his place.

(3) If from any cause at any time after the first day of December there are not two auditors, willing, able and authorized to act, the inspector on the written request of any two ratepayers shall appoint one or both auditors as the case may require. 6 Edw. VII. c. 53, s. 21.

Trustees and secretary-treasurer to lay accounts, etc., before auditors.

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer, shall afford to the auditors, all the information in their and each of their power as to the receipts and expenditures which the auditors or either of them may require.

Time of audit.

(5) The auditors, or one of them, shall on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 1 Edw. VII. c. 39, s. 22 (2, 3).

Duties of auditors.

79.—(1) It shall be the duty of the auditors to examine into and decide upon the accuracy of the accounts of the section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts, with a full report thereon at the next annual school meeting.

(2) Any difference of opinion between the auditors on any matter in the accounts, shall be decided by the inspector.

(3) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting, which may either determine the same, or submit it to the Minister, whose decision shall be final. 1 Edw. VII. c. 39, s. 23.

Powers of auditors.

80. The auditors, or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers, and documents as the auditor or auditors may direct and may administer oaths to such persons and witnesses. 1 Edw. VII. c. 39, s. 24.

81. An auditor who has entered upon an audit may complete the same, although he has not done so within the time prescribed by this Act. (*New.*)

DUTIES OF TEACHERS.

82. It shall be the duty of every teacher:—

To teach according to law, preserve discipline, etc.

(*a*) To teach diligently and faithfully the subjects in the public school course of study as prescribed

by the Regulations; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

Use of English language.

(*b*) To use the English language in instruction and in all communications with the pupils in regard to discipline and the management of the school, except where it is impracticable to do so by reason of the pupil not understanding English, but recitations requiring the use of a text book may be conducted in the language of the text book. 1 Edw. VII. c. 39, s. 80 (1, 2).

Duties in and about the schoolhouse, registers, etc.

(*c*) To see that the school house is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon; to call the roll every day according to the register prescribed by the Regulations; to enter in the visitors' book visits made to the school; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book; and to deliver the register, the school house key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased. 1 Edw. VII. c. 39, s. 80 (3); 6 Edw. VII. c. 53, s. 44.

Classification of scholars and conduct of classes.

(*d*) To classify the pupils according to the courses of study prescribed by the Regulations; to conduct the school according to a time table accesssible to pupils and visitors; to prevent the use by pupils of unauthorized text-books; to attend regularly the teachers' institutes in the inspectorate; to notify the board and inspector of his absence from school, and the cause thereof; and to make at the end of each school term, and subject to revision by the inspector, such promotions from one class or form to another as he may deem expedient;

Examinations.

(*e*) To hold closing exercises of the school, and to give due notice thereof to the board, to any school visitors who reside in the school section, and through the pupils, to their parents or guardians, and to hold such other examinations

as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct;

(*f*) To furnish to the Minister and the inspector any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports of the board as are required by the Regulations; Information for department.

(*g*) To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school house, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds, and to report promptly to the board and to the municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of the school house, outhouses or surroundings. 1 Edw. VII. c. 39, s. 80 (4, 5, 6, 7). Care of health of pupils, preservation of school property.

(*h*) To refuse admission to the school of any pupil who he believes is affected with, or exposed to chicken pox, small pox, cholera, glanders, scarlet fever, scarlatina, diphtheria, whooping cough, measles, mumps, or other infectious or contagious disease or consumption until furnished with a certificate of a medical health officer or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed. 1 Edw. VII. c. 39, s. 80 (8); 7 Edw. VII. c. 51, s. 24. Infectious diseases among pupils.

(*i*) To suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil, and the board, of such suspension, but the parent or guardian of any pupil suspended may appeal against the action of the teacher to the board which shall have power to remove, confirm or modify such suspension. 1 Edw. VII. c. 39, s. 80 (9). Disciplinary powers.

83. A teacher who refuses to deliver to the board any visitors' book, school register, school-house key, or any other school property in his possession shall not be a quali- Refusal to give up key, etc.

fied teacher until restitution is made, and he shall also forfeit any claim which he may have against the board. 1 Edw. VII. c. 39, s. 121 (2).

CHANGE OF AUTHORIZED TEXT-BOOKS.

Change of text-book.

84. An authorized text-book in actual use may be changed by the teacher for any other authorized text-book on the same subject with the written approval of the board and subject to the Regulations. 1 Edw. VII. c. 39, s. 97 (1).

AGREEMENTS.

Valid agreements with teachers.

85.—(1) Every agreement between a board and a teacher shall be in writing, signed by the parties thereto, and sealed with the seal of the board.

Qualified teacher defined.

(2) No person shall be engaged, employed or act as a teacher unless he holds a certificate of qualification.

Proportion of salary to which teacher entitled.

(3) Unless otherwise expressly agreed a teacher shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Case of sickness.

(4) Every teacher shall be entitled to his salary notwithstanding his absence from duty on account of sickness for a period not exceeding four weeks in any one year of his employment, if the sickness is certified to by a physician, but that period may be extended at the pleasure of the board.

Protection of teachers in regard to salary.

(5) If at the expiration of a teacher's engagement his salary has not been paid in full, the salary shall continue to run at the rate mentioned in the agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable.

Provision in case of difference between teacher and trustees.

(6) All matters of difference between boards and teachers, in regard to salary or other remuneration, whatever may be the amount in dispute shall be determined in the Division Court of the division where the cause of action arose, subject to appeal, as provided by this Act. 1 Edw. VII., c. 39, s. 81.

(7) If it appears to the Judge on the trial of an action for the recovery of a teacher's salary that there was reasonable ground for the board disputing its liability, and that it was willing and offered to pay to the teacher any sum not so in dispute, the Judge may relieve the board from the liability imposed by subsection 5, in whole or in part. (*New.*)

TEACHERS' CERTIFICATES.

Several classes of certificates.

86.—(1) Subject to the Regulations any British subject, of good moral character and physically fit to perform the duties of a teacher and who passes the examination prescribed by the Regulations, may be awarded a certificate of qualification as a teacher according to the Regulations. 1 Edw. VII. c. 39, s. 82 (1, 2); 4 Edw. VII. c. 30, s. 8; 8 Edw. VII. c. 67, s. 12.

Former certificates continued.

(2) Certificates granted before the fifteenth day of February, 1871, shall remain in force according to the terms of the Act under which they were granted.

First-class valid.

(3) First-class certificates issued before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid throughout Ontario during good conduct.

Second-class valid.

(4) Second-class certificates issued before the 15th day of February, 1871, and valid on the 24th day of March, 1874, shall, if the holders thereof have taught for ten years in Ontario, be valid during good conduct within the territory for which they were granted.

(5) All other certificates shall be valid for such periods as the Regulations prescribe.

Suspension of certificate for misconduct, etc.

(7) The inspector may suspend the certificate of any teacher in his inspectorate for inefficiency, misconduct, or a violation of this Act or of the Regulations or for wilful neglect or refusal to carry out his agreement with a board and he shall notify in writing the Minister, the board concerned, and the teacher, of such suspension and of the reasons therefor.

Meeting of county board, consideration of suspension.

(8) The teacher may appeal to the Minister, who may make such order or orders with regard to the suspension as he deems proper. 1 Edw. VII. c. 39, s. 82 (3, 4, 5, 6, 7, 8); 8 Edw. VII. c. 67, ss. 11 to 14.

TEACHERS' INSTITUTES.

Organization of teachers' institutes.

87.—(1) Subject to the Regulations, the teachers in one or more inspectorates may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters.

Aid to teachers' institutes.

(2) The Minister may out of any moneys appropriated for that purpose apportion $25 to each teachers' institute so organized and conducted according to the Regulations, and the council of each county, city, or separated town, or town in territory without county organization, shall pay

annually to the president of each teachers' institute established within such county, city. or town, a sum at least equal to the amount so apportioned.

(3) In territory without county organization, the Minister may apportion $50 to each teachers' institute where there is no city or town council liable for such contribution. 1 Edw. VII. c. 39, s. 85.

COUNTY RATES.

County rate in aid of schools.

88.—(1) The council of every county shall levy and collect by an equal rate upon the taxable property of the whole county, not included in an urban municipality, or annexed to an urban municipality for school purposes, according to the equalized assessments of the municipalities, a sum, at least equal to that part of the legislative grant which is apportioned by the Minister on the basis of the equipment and accommodations of the rural schools of the county, and such sums shall be payable to the boards of the schools receiving such legislative grant in the same proportions as such grant is apportioned.

(2) The council of every county shall levy and collect an annual rate upon the taxable property of the whole county, according to the equalized assessments of the municipalities a sum at least equal to that part of the legislative grant which is apportioned to the schools in the municipality for fifth classes and such sum shall be payable to the boards of the schools receiving such legislative grant in the same proportion as such grant is apportioned.

Apportionment of school moneys in united counties.

(3) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for public school purposes so that each county forming the union shall be liable only for sums payable in respect of public schools within such county. 6 Edw. VII. c. 53, s. 39 (11); 7 Edw. VII. c. 51, s. 19.

Township Grants.

Township grant in aid of schools.

89.—(1) Where according to the equalized assessments the assessed value of all the taxable property of the public school supporters in a township in a county is at least equal to an average assessment of $30,000 for each section therein, the council of such township shall each year levy and collect by assessment upon the taxable property of the public school supporters of the whole township, not included in an urban municipality or annexed to an urban municipality for school purposes, the sum of $300 at least for every public school where the teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal

teacher is engaged for one school term or longer; and the additional sum of at least $200 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum for every assistant teacher engaged for one school term or longer.

Where assessment is less than $30,000 for each section.

(2) In a county where such assessed value is less than an average assessment of $30,000 for each public school section in a township, and in a township in territory without county organization whatever its assessment may be, the council of the township shall each year levy and collect as aforesaid the sum of $150 at least for every school where a teacher or principal teacher is engaged for two consecutive school terms, and a proportionate amount of such sum where a teacher or principal teacher is engaged for one school term or longer; and an additional sum of at least $100 for every assistant teacher engaged for two consecutive school terms, and a proportionate amount of such sum, where such assistant teacher is engaged for one school term or longer.

Application of township grant to teachers' salaries.

(3) The sums so levied and collected shall be applied exclusively to teachers' salaries. 7 Edw. VII. c. 51, s. 19.

Rates for teachers' salaries in union school sections.

(4) In the case of a union school section formed of parts of different townships, the sums levied and collected from the ratepayers by township councils shall be levied and collected by the several councils out of the taxable property of the public school supporters of such union section, each in the proportion which such taxable property within its jurisdiction bears to the taxable property of public school supporters in the whole union section. 6 Edw. VII. c. 53, s. 39 (7).

Township grants to union school sections.

(5) In the case of a union section formed of parts of different townships the sums mentioned in subsection 2 of section 88 and subsection 1 of this section, shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 29. 6 Edw. VII. c. 53, s. 39 (8); 7 Edw. VII. c. 51, s. 20.

Abatement of amounts proportionally

90. Where part of the salary of a teacher in a rural school for any reason does not become payable or is withheld from him in accordance with the terms of this Act, the sums payable respectively by the county, the township or townships, and the ratepayers and out of the legislative grant, on account of such salary, shall abate, in the proportions in which they were respectively liable for the whole. 6 Edw. VII. c. 53, s. 39 (9); 7 Edw. VII. c. 51, s. 21.

Amounts required to be raised to be paid over as required.

91. All moneys required to be levied and collected and appplied to the salaries of teachers shall be paid to the treasurers of the respective boards from time to time as may be required by them. 6 Edw. VII. c. 53, s. 39 (10).

Consolidated schools.

92. Where two or more school sections are consolidated all the teachers in the consolidated school, for the purposes of sections 88 to 91, shall be deemed principal teachers unless their number is greater than the number of sections consolidated, in which case the number of teachers in excess of the number of school sections, shall be deemed assistant teachers. 7 Edw. VII. c. 51, s. 22.

INSPECTORATES.

93.—(1) The Minister on or before the first day of January, 1910, shall determine the number of Inspectors to be appointed in every county, city or separated town, and thereafter whenever he deems it expedient, may direct the appointment of additional Inspectors in a county or city.

(2) Where more Inspectors than one are to be appointed for a county or for a city, the county council or the Board of Education or Board of Public School Trustees, as the case may be, shall define the limits of the inspectorate of each Inspector, or in the case of a city may assign such duties to each inspector as the Board may deem expedient.

(3) The councils of two or more adjacent counties may enter into an agreement for the appointment of an Inspector or Inspectors to act in such counties and the agreement shall fix the proportions in which the time of the Inspector shall be given to schools in each of such counties and the proportions in which the salary and travelling and other expenses of the Inspector shall be borne and paid by the counties respectively.

(4) The Board of Public School Trustees or the Board of Education of a city or separated town instead of appointing a separate Inspector may enter into an agreement with the council of the county in which such city or separated town is situate, that such city or town shall form part of a county inspectorate and the agreement shall fix the proportion of the time of the county Inspector in whose inspectorate the city or town is included, which shall be respectively given to the inspection of the rural and urban schools in his inspectorate and the proportions in which the salary and travelling and other expenses of the Inspector shall be borne and paid by the Board and the county respectively.

(5) The Minister may enter into an agreement with the council of a county, that the Inspector or one of the Inspectors of such county shall be Inspector for a district inspectorate and as to the proportion of the salary of such Inspector, which shall be payable by the county and the Province respectively.

(6) The Minister on or before the first day of January, 1910, and annually thereafter, whenever he deems it necessary, shall fix the limits of every district inspectorate, and shall give notice by registered letter to the Secretary of every School Board in the territory without county organization of the inspectorate to which the school section or other division for which the Board is elected is assigned.

(7) Where a Board of Public School Trustees or a Board of Education appoints an urban Inspector, the city or separated town for which such appointment is made shall constitute an urban inspectorate.

(8) Every by-law or resolution passed and every agreement entered into by a municipal council or Board under this section shall be subject to the approval of the Minister.

Appointment.

94.—(1) The council of every county, by resolution passed at the first meeting held after a vacancy in the office of County Inspector occurs, shall appoint an Inspector.

(2) Where a vacancy occurs in the office of County Inspector the warden of the county may appoint some legally qualified person to fill the vacancy until the next ensuing meeting of the county council.

(3) An Urban Inspector shall be appointed by the Board by resolution passed at the first meeting held after a vacancy occurs or at an adjournment thereof.

(4) The Clerk of the County or the Secretary of the Board, as the case may be, shall forthwith transmit a copy of the resolution, certified by the chairman, to the Minister, by registered post.

(5) Where a county council for one month after such meeting or where a Public School Board or Board of Education for one month after a vacancy occurs neglects to make an appointment, the same may be made by the Minister.

(6) Every appointment of a County or Urban Inspector shall be subject to ratification by the Minister and if not so ratified within one year thereafter, the engagement of the Inspector shall terminate at the end of that period and the Council or Board shall appoint another inspector as provided by this Act.

(7) District Inspectors shall be appointed by the Lieutenant-Governor upon the recommendation of the Minister and shall hold office during pleasure.

(8) Where more Inspectors than one are appointed in a county or city the County Council or the Board may, subject to the approval of the Minister, designate one of the Inspectors to be Senior Inspector and the Senior Inspector, in addition to the powers and duties of an Inspector, shall have such other powers and perform such other duties as the Minister may prescribe.

Removal, Suspension or Dismissal.

95.—(1) On or before the first day of February, 1910, the Minister shall remove from office every Inspector who, in his judgment, is unsuitable for his office by reason of inefficiency or physical infirmity.

(2) An Inspector may be suspended or removed from office or his certificate may be cancelled by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity.

(3) The County Council or Board by which an Inspector is appointed may suspend the Inspector for neglect of duty, misconduct, inefficiency or physical infirmity.

(4) The Clerk of the County or Secretary of the Board, as the case may be, shall forthwith report such suspension to the Minister in writing with a statement of the reasons therefor and the Minister may remove or confirm the suspension or may remove the Inspector from office or cancel his certificate and the decision of the Minister shall be final.

(5) The Minister may give such direction as to the payment or forfeiture of the salary of the Inspector for the period of suspension as he may think just.

Qualifications, etc.

96.—(1) No person shall be appointed or act as an Inspector of Public Schools who has been removed from the office of Inspector by the Minister or who does not hold a certificate of qualification as prescribed by the Regulations.

(2) An Inspector, who, during his tenure of office, holds any other office or employment or follows any other profession or calling, except the performance of such special duties as the Minister may require, without the approval of the Minister and of the county council of the county or of the Board of the city or town in which his inspectorate lies shall forfeit his office as Inspector.

(3) An Inspector shall not be appointed or continue to hold office who is over the age of 65 years, unless in the judgment of the Minister he is physically capable of discharging the duties of the office, and is efficient in other respects.

97.—(1) Subject to the Regulations it shall be the duty of every Public School Inspector,

(*a*) To visit in every year each school room in his inspectorate having a separate register as often and for such length of time on each occasion as the Minister may direct;

(*b*) To prepare a report of every such visit in the form prescribed by the Regulations;

(*c*) To forward within one month after such visit a copy of every such report to the board within whose jurisdiction the school is situate;

(*d*) To make a general annual report as to the performance of his duties and the condition of the schools in his inspectorate to the county council and to the board of every city or town included in his inspectorate or in the case of an Urban Inspector, to the board of the city or town only;

(*e*) To report to the Medical Health Officer of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;

(*f*) To furnish the Minister with information respecting any Public School in his inspectorate whenever required so to do;

(*g*) To withhold his order for the amount apportioned from the Legislative or municipal grant;

(i.) Where any school has been kept open for less than six months in the year except where that has been caused by the school having been closed by order of the Medical Health Officer or Local or Provincial Board of Health on account of the prevalence of any communicable disease;

(ii.) Where the Board fails to transmit promptly the annual or other school returns properly filled up;

(iii.) Where the Board fails to comply with this Act or with the Regulations; or

(iv.) Where the teacher uses or permits to be used as a text-book any book not authorized by the Regulations;

and in every case to report to the Board and to the Minister his reasons for so doing;

(*h*) To discharge such other duties as may be required by the Minister or Regulations;

(*i*) On retiring from office to deliver to his successor his official correspondence and all school papers in his custody, on the order of the Minister or of the council of the county in which his inspectorate lies, or of the Board by which he was appointed.

(2) Every Inspector shall be directly responsible to the Minister for the due performance of his duties and subject to the Regulations, shall obey the direction of the County Council in the case of a County Inspector and of the Board in the case of an Urban Inspector.

(3) Where an Inspector requires the testimony of a witness as to any fact alleged in any complaint or appeal made to him or to the Minister he may administer an oath to the witness.

Salaries.

98.—(1) Every County Inspector appointed after the first day of January, 1910, shall receive a salary for the first year of his employment of $1,500, and for the second year $1,600, and for the third and every subsequent year $1,700.

(2) Every County Inspector who is in office on the 31st day of December, 1909, and who is retained in office thereafter shall be paid a salary of $1,700 per annum.

(3) One-half of the salary of every County Inspector shall be paid by the Treasurer of Ontario out of the moneys appropriated for that purpose and one-half by the County Council.

(4) The salaries of County Inspectors shall be paid half-yearly on the 30th day of June and the 31st day of December by the treasurers of the counties and by the Treasurer of Ontario directly to the Inspectors on the certificate of the Minister.

(5) The County Council shall also pay to the County Inspector his reasonable expenses for travelling, printing, postage and stationery and in case of dispute the amount thereof shall be settled by the Judge of the County Court upon the application of the Inspector or of the council and the decision of the Judge shall be final.

(6) The salary of an urban Inspector shall be fixed by the Board of Public School Trustees or Board of Education, of the city or town, and shall be payable by the Treasurer of the Board.

(7) Out of such moneys as may be appropriated for that purpose, the Treasurer of Ontario shall annually pay in the month of December to the Board of the city or separated town the sum of $5 for every teacher occupying a separate room with a separate register and the amount so paid shall be applied towards the payment of the salary of the Inspector.

(8) The salaries and travelling and other expenses of District Inspectors shall be fixed by the Minister, and shall be paid by the Treasurer of Ontario out of any moneys appropriated for that purpose, at such times and in such manner as the Minister may direct.

ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Costs of arbitration.

99. Arbitrators in making their award, shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive. 1 Edw. VII. c. 39, s. 88.

Allowance to arbitrators.

100. Every person other than an inspector engaged as arbitrator on any matter arising under this Act shall be paid $4 a day and travelling expenses. 1 Edw. VII. c. 39, s. 89.

Allowance to inspectors in certain cases.

101.—(1) An inspector while engaged in conducting an investigation for the purposes of subsection 10 of section 54 shall be paid the sum of $4 a day and travelling expenses by the treasurer of the county.

(2) This section shall not apply after the 1st day of February, 1910.

APPEALS FROM DIVISION COURT DECISIONS.

Appeals from Division Courts.

102.—(1) In an action between a teacher and a board under this Act, the Judge of the Division Court in which the action is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister to appeal.

Minister may appeal to High Court.

(2) The Minister may, within one month after the rendering of judgment, appeal from the decision of the Judge to a Divisional Court of the High Court, by serving

notice in writing of such appeal upon the clerk of the Division Court appealed from, which appeal may be entitled "The Minister of Education for Ontario, Appellant, in the matter between (*naming the parties*)." 1 Edw. VII. c. 39, s. 98 (1, 2).

Judges to send papers to High Court.

(3) The Judge shall thereupon transmit to the Central Office of the High Court at Toronto, certified under his hand the summons and other proceedings in the action, together with the evidence and his judgment thereon, and all objections made thereto and he shall also certify under his hand to the Minister a true copy of the summons, proceedings, evidence, judgment and objections.

No further proceedings to be taken after notice of appeal.

(4) After service of the notice of appeal no further proceedings shall be had until the appeal has been determined. 1 Edw. VII. c. 39, s. 98 (3); 6 Edw. VII. c. 53, s. 54.

Order of Court.

(5) The Divisional Court shall give such order or direction to the court below, touching the judgment to be given as the circumstances require, and upon receipt of such order or direction, the Judge shall proceed in accordance therewith. 1 Edw. VII. c. 39, s. 98 (4); 6 Edw. VII, c. 53, s. 55.

Proceedings in division court when appeal decided.

Costs.

(6) The Divisional Court may also in its discretion award costs against the party on whose behalf an unsuccessful appeal is taken, which shall be certified to and form part of the judgment of the court below, and such costs and any costs incurred by such party may be paid by the Minister, and charged as contingent expenses of his office. 1 Edw. VII. c. 39, s. 98 (5).

(7) Notwithstanding anything herein contained any party to an action in which the plaintiff claims more than $100 shall have the same right of appeal as in an action in the Division Court.

SUPERANNUATION.

Superannuation fund.

103. Every teacher and inspector whose name was, on the 30th day of March, 1886, entered as having contributed to the fund for superannuated teachers, may continue to contribute to such fund in such manner as may be prescribed by the Regulations, the sum of at least $4 annually, but no payment of arrears which accrued before the 1st day of January, 1885, shall be allowed. 1 Edw. VII. c. 39, s. 91.

Repayment to wife, etc., of deceased teacher.

104. On the death of a teacher or inspector, the wife, husband, or legal representative of such teacher or inspector, shall be entitled to receive the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. 1 Edw. VII. c. 39, s. 92.

Right of teacher to retire on reaching sixty years of age.

105.—(1) Every teacher and inspector who, while engaged in his profession, has contributed to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession, receive an annual allowance at the rate of $6 per annum for every year of service in Ontario, upon furnishing evidence of good moral character, age and length of service.

(2) A teacher or inspector who has reached the age of sixty years shall not be disqualified for superannuation by reason of his having retired from active service before reaching that age if he has served for a period of thirty years. 1 Edw. VII. c. 39, s. 92.

Teacher under sixty.

(3) Every teacher and inspector under sixty years of age who has so contributed and who is disabled from practising his profession shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability.

$1 per annum extra to certain teachers.

(4) Every superannuated teacher and inspector who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of $1 per annum for every year of service while he held such certificate or while he acted as principal of a high school or collegiate institute.

Proviso in regard to good moral character.

(5) The retiring allowance shall cease at the close of the year in which the death of the recipient takes place.

Teacher resuming profession.

(6) If a superannuated teacher or inspector, with the consent of the Minister, resumes the profession of a teacher or inspector, his allowance shall be suspended during the time he is so engaged, and if he is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act and the Regulations.

Again retiring.

Forfeiture of claims.

(7) A teacher or inspector who, having resumed his profession, wilfully draws or continues to draw upon the superannuation fund, shall forfeit all claim to the fund, and his name shall be struck off the superannuation list.

Repayment to contributors.

(8) A teacher or inspector who retires from the profession, or who desires to remove his name from the list of contributors to the superannuation fund, shall be entitled to receive back one-half of any sum contributed by him to the fund.

Teachers not availing themselves of Act

(9) Where a teacher or inspector does not avail himself of the provisions of section 103 or of subsection 8 of this section, the provisions of sections 103 to 105 shall apply so far as relates to all sums already paid by him into the superannuation fund. 1 Edw. VII. c. 39, s. 93.

Grant to superannuation fund by board.

106. Subject to the Regulations the public school board of a city or town may make such annual grant as may be deemed proper for the establishment or in aid of a superannuation fund for the teachers and officers of the board of such city or town, and may make rules prescribing the terms and conditions upon and under which they shall be entitled to participate therein and may make a term of the engagement of a teacher or officer that he shall contribute to the fund such annual sum as may be prescribed by such rules. 4 Edw. VII. c. 30, s. 14.

Retiring allowance to teachers, officers and inspectors.

107. Where a teacher, inspector, or officer of a board whose time is entirely devoted to the work of the board retires, having reached the age of 60 years, or after having been for 20 years in the service of the board, the board, in the case of a teacher, city inspector or other officer, and the county council in the case of a county inspector, may grant him an annual allowance not exceeding the salary which he was receiving at the time of retirement, or may make a grant to him by way of gratuity of a sum not exceeding the present value of such annual allowance computed on the basis of interest at the rate of four per centum per annum. 8 Edw. VII. c. 33, s. 54.

INSTRUCTION IN AGRICULTURE, MANUAL TRAINING AND HOUSEHOLD SCIENCE.

Appointment of instructors in agriculture.

108.—(1) Subject to the Regulations, the council of a township may engage the services of a person holding the degree of Bachelor of Science of Agriculture or other certificate of qualification from the Ontario Agricultural College, or of an instructor qualified as required by the Regulations, to give instruction in agriculture, manual training and household science in the public schools of the municipality, and the council may levy and collect from the ratepayers of such municipality who are public school supporters, such sums as may be necessary to pay the salaries of such other instructors, and all other expenses connected therewith.

(2) The courses of instruction shall be those prescribed by the Regulations. 1 Edw. VII. c. 39, s. 9 (1).

(3) The board of a rural school section or of a union school section or a number of such boards may severally or jointly engage the services of any person qualified as provided in subsection 1 for the purpose of giving similar instruction to the pupils of their respective schools. 1 Edw. VII. c. 39, s. 9 (2); 6 Edw. VII. c. 53, s. 6.

Course in agriculture to be open to all residents.

(4) The courses of instruction in agriculture, manual training and household science shall, as far as practicable, be open to all residents of the school section or municipality. 1 Edw. VII. c. 39, s. 9 (3).

MANUAL TRAINING AND DOMESTIC SCIENCE CLASSES.

Manual training and domestic science classes.

109.—(1) The high school board, the public school board and the separate school board, or the board of education and the separate school board or any of such boards in a city, town or village may enter into agreements with one another for the formation and carrying on of classes for instruction in agriculture, manual training and household science in connection with the work of the schools under the management of such boards, and for providing suitable buildings, apparatus and appliances for carrying on such classes, and the appointment of teachers therefor, and the proportion in which the cost thereof is to be borne by each board.

May appoint committee to manage.

(2) The boards may delegate the management and control of such classes and the buildings, apparatus and appliances used in connection therewith, to such committee or committees as they may see fit, composed of members of such boards or of one or more of them, and such committees may if the cost thereof has been included in the estimate mentioned in subsection 4, procure from time to time such buildings, apparatus, appliances and material as may be deemed necessary for carrying on such classes, and may engage teachers therefor.

Duration of office.

(3) The members of any such committee shall hold office during the pleasure of the board by which they are appointed.

Estimates.

(4) The committees shall annually, on or before the first day of February, furnish to each board an estimate of the amount required for carrying on such classes during the then current year, and the boards shall include in the estimates to be furnished to the council of the city or town the proportion of the amount so required, which is to be provided by the board, and the same shall be included in the school rates of the municipality and levied and collected therewith. 2 Edw. VII. c. 40, s. 5.

PENALTIES AND PROHIBITIONS.

Substitution of unauthorized text-books.

110. If a teacher negligently or wilfully permits an unauthorized book to be used as a text book by the pupils of his school the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion. 1 Edw. VII. c. 39, s. 97 (2).

False declaration as to right to vote

111. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees shall incur a penalty of not less than $5 and not

more than $10. 1 Edw. VII. c. 39, s. 101; 6 Edw. VII. c. 53, s. 56.

Disqualified persons acting as trustees.

112. A trustee who refuses to serve after being duly elected shall incur a penalty of $5 and a person elected as a trustee who, as such, attends any meeting of the board after becoming disqualified, shall incur a penalty of $20 for every meeting so attended. 1 Edw VII. c. 39. s. 102.

Penalty for refusal to perform duties.

113. Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall incur a penalty not exceeding $20. 1 Edw. VII. c. 39, s. 109.

Trustees not to hold certain offices.

114. A trustee shall not be eligible for appointment as public school inspector or teacher, nor shall the teacher of a high, public or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of a high, public or separate school while he holds the office of inspector. 1 Edw. VII. c. 39, s. 103.

Seat vacated by conviction for crime, etc.

115. If a trustee is convicted of any indictable offence, or becomes insane, or without being authorized by resolution entered upon the minutes absents himself from the meetings of the board for three consecutive months, or ceases to be a resident within the municipality or school section for which he is a trustee, he shall *ipso facto* vacate his seat, and, subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall declare his seat vacant, and forthwith order a new election. 1 Edw. VII. c. 39, s. 104; 6 Edw. VII. c. 53, s. 57.

Seat vacated by interest in contract with corporation.

116.—(1) A trustee shall not enter into any contract, agreement, engagement or promise, either in his own name, or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a trustee violating the provisions of this section shall *ipso facto* vacate his seat.

(2) On the complaint of two ratepayers of the municipality or section or of the remaining trustee or trustees, the Judge of the County or District Court shall, on proof of the facts, declare the seat vacant, and subject to the provisions of subsection 2 of section 63, the remaining trustee or trustees shall forthwith order a new election.

(3) Nothing in this section shall prevent the board of a rural section from allowing the secretary or treasurer such

compensation for his services, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 1 Edw. VII. c. 39, s. 105; 6 Edw. VII. c. 53, s. 58.

Newspaper proprietors inserting official ad vertisementsnot disqualified from sitting on boards, etc.

117. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of his being proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement is inserted in the regular course of business, if such advertisement or subscription is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. 1 Edw. VII. c. 39, s. 106; 6 Edw. VII. c. 53, s. 59.

Penalty for disturbing a school or school meeting.

118. Any person who wilfully interrupts, or disquiets the proceedings of a school meeting, or a public school, by rude or indecent behaviour, or by making a noise either within the place where such meeting is held or such school is kept, or so near thereto as to interfere with the proceedings of the meeting or order of exercises of the school, shall, for each offence incur a penalty not exceeding $20. I Edw. VII. c. 39, s. 108.

Penalty on chairman for neglect.

119. A chairman who neglects to transmit to the inspector a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of such meeting shall incur a penalty not exceeding $5. 1 Edw. VII. c. 39, c. 111.

Liability for neglect to take security.

120. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys and any school moneys are forfeited or lost to the municipality, section or board in consequence of such refusal or neglect, every member of the board shall be personally liable for such moneys, and the same may be recovered by the board or any ratepayer interested therein, suing on behalf of himself and all ratepayers of the municipality or section interested in any Court of competent jurisdiction; but no member shall be liable if he proves that he made reasonable efforts to procure the taking of such security. (See *Consolidated Municipal Act, 1903*, s. 418 (5).)

Secretary-treasurer, or trustee to deliver up books and moneys

121. A secretary or a treasurer, and a person having been such secretary or treasurer, and a trustee or other person who has in his possession any book, paper, chattel, or money, which came into his possession as such secretary, treasurer, trustee or otherwise, shall not wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person and in

the manner directed by the board, or by other competent authority. 1 Edw. VII. c. 39, s. 114.

Mode of proceeding.

122.—(1) Upon application to the Judge of the County or District Court, by the board, or by two ratepayers supported by affidavit showing such wrongful withholding or refusal, the Judge may summon such secretary, treasurer, trustee, or person, to appear before him at a time and place appointed by him. 1 Edw. VII. c. 39, s. 115 (1).

Service of summons.

(2) Any bailiff of a Division Court, upon being requested so to do shall serve the summons, or a true copy thereof, on the person complained against personally, or by leaving the same with a grown-up person at his residence. 1 Edw. VII. c. 39, s. 115 (2); 6 Edw. VII. c. 53, s. 61 (1).

Judge to issue order.

(3) At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of opinion that it is well founded, the Judge shall order the person complained against to deliver up, account for, and pay over such book, paper, chattel, or money, by a day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may allow. 1 Edw. VII. c. 39, s. 115 (3); 6 Edw. VII. c. 53, s. 61 (2).

Effects of non-compliance with judge's order.

(4) In the event of non-compliance with the order, the Judge may order the person complained against to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of the county in which he resides, there to remain without bail until the Judge is satisfied that he has delivered up, accounted for, or paid over the book, paper, chattel or money, in the manner directed by the board, or other competent authority.

(5) Upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly.

(6) Upon proof that such person has done all in his power to deliver up, account for or pay over such book, paper, chattel or money as directed the Judge may order his discharge on such terms or conditions as he may deem just. 1 Edw. VII. c. 39, s. 115 (4); 6 Edw. VII. c. 53, s. 61 (3).

Other remedy not affected.

(7) Such proceedings shall not impair or affect any other remedy which the board, or any other person, may have against the person complained against, or against any other person. 1 Edw. VII. c. 39, s. 115 (5).

Penalties on trustees refusing information, etc., to auditor.

123. It shall be the duty of the board and of the secretary and the treasurer to furnish the auditors with any papers or information in their or his power which may be required of them or him relating to the school accounts, and any member of the board or a secretary or treasurer who neglects or refuses so to do shall incur a penalty not exceeding $20. 1 Edw. VII. c. 39, s. 116; 6 Edw. VII. c. 53, s. 62.

Penalty for neglect to send half-yearly returns.

124. If the board of a rural school section neglects to transmit to the inspector, in accordance with the Regulations a correct and verified statement of the attendance of pupils in each of the schools under its charge during the twelve months then immediately preceding, the section shall not be entitled to its share of the legislative grant for such twelve months, and every member of the board so neglecting shall be personally responsible for the amount of the loss of such share. 1 Edw. VII. c. 39, s. 117.

Penalty for delaying yearly reports.

125. If the board of any school section neglects to prepare and forward such annual statement to their county inspector by the 15th day of January in every year, each of them shall, for every week thereafter until such statement has ben prepared and presented, shall incur a penalty not exceding $5. I Edw. VII. c. 39, s. 118.

Penalty for false school reports and registers.

126. If a trustee knowingly signs a false report, or if a teacher keeps a false school register, or makes a false return, he shall, for every offence incur a penalty not exceeding $20. 1 Edw. VII. c. 39, s. 119.

Clerk neglecting or refusing to perform duties.

127. If a township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall incur a penalty not exceeding $10. 1 Edw. VII. c. 39, s. 100.

Penalty for not calling school meetings.

128. If an annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall incur a penalty of $5. 1 Edw. VII. c. 39, s. 107.

(The following section is contained in The Department of Education Act.)

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

28.—(1) *A teacher, trustee, inspector, or other person officially connected with the Department, or with any normal, model, public, or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person or persons to sell or to promote in any way the sale of any school, library, prize or text book, map, chart, school apparatus, furniture, stationery, or other article for the use of any normal, model, public*

or high school, collegiate institute or other institute aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly, compensation or other remuneration or the equivalent thereof for so doing. 1 Edw. VII. c. 39, s. 121 (1); 6 Edw. VII. c. 53, s. 63.

Penalties for same.

(2) *For every contravention of subsection 1, a teacher shall incur a penalty of $50; a trustee shall incur a penalty of $100; an inspector shall incur a penalty of $500; and any other person so officially connected shall incur a penalty of $100.*

Penalty against business firm or agent.

(3) *Any person, firm or corporation and any agent of a person, firm or corporation, who employs a teacher, trustee, inspector, or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Department, to sell or become or act as agent for or to promote in any way the sale of any school, library, prize or textbook, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person, compensation or remuneration, or the equivalent thereof for so doing, shall for every such offence incur a penalty of $500.*

(4) *Any gift or payment made to a teacher, trustee, inspector or other person so officially connected, by any person, firm or corporation interested either as principal or agent in any such sale shall be prima facie evidence of a violation of this section.*

Penalties for not maintaining school as required by Act.

129. Where a board makes default in maintaining a public school during the whole school year or such part thereof as this Act requires every member of the board shall incur a penalty of $5 for every week during which such default continues, unless he proves that he did everything in his power to prevent such default.

HOW FINES AND PENALTIES MAY BE RECOVERED.

How penalties under this Act shall be recoverable.

130. The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*, and shall be applied to such school purposes as the Minister may direct.

REPEAL.

131. *The Public Schools Act*, except section 31, and all amendments thereto, except section 19 of the Act passed in the 8th year of His Majesty's reign, chaptered 67, are hereby repealed.

No. 173.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Public Schools.

First Reading, 15th March, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 174 1969

BILL.

An Act to incorporate the Lake Superior and Long Lake Railway and Transportation Company.

Preamble.

WHEREAS Michael P. Davis, William Patrick Davis, and William T. Davis, have petitioned for an Act to incorporate a company to construct a railway from a point at or near the line of the Canadian Pacific Railway in the District of Thunder Bay, at or near Black's Siding on the Canadian Pacific Railway near the mouth of the Black River; thence northerly to the southwest angle of Owl Lake, and from a point at or near the northeast angle of Owl Lake to the southeast angle of Long Lake; thence from a point at or near the northeast angle of Long Lake to a point on The National Transcontinental Railway, and to authorize the construction and operation of the necessary boat ferries, steamers and barges, on Owl Lake and Long Lake in connection with the said railway, and the construction of the necessary wharves, docks, and terminals, and to acquire, own and equip and operate steam vessels and boats in connection therewith, and for other purposes; and whereas, it is expedient to grant the prayer of the said petition,

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Michael P. Davis, William Patrick Davis, William Thomas Davis, Michael Phillip Davis, and James Thomas Davis, together with such other persons, firms and corporations as shall hereafter become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of The Lake Superior and Long Lake Railway and Transportation Company, hereinafter called the Company.

Location of line.

2. The Company is hereby authorized and empowered under this Act to construct a railway to be operated by

steam, or electricity, or part by one and part by the other, from a point on the Canadian Pacific Railway, at or near what is known as Black's Siding near the mouth of the Black River in the District of Thunder Bay, thence northerly to the southeast angle of Owl Lake and from a point at or near the northeast angle of Owl Lake, to the southeast angle of Long Lake; thence from a point at or near the northeast angle of Long Lake to a point on the National Transcontinental Railway.

Gauge.

3. The gauge of the said railway shall be four feet and eight and one-half inches.

Head office.

4. The head office of the Company shall be located in the City of Ottawa, Province of Ontario.

Power to purchase and erect wharves, piers, docks, etc.

5. It shall and may be lawful for the said company at any points where the said railway approaches any navigable waters to purchase and hold wharves, piers, docks, water lots, and lands, and upon said water lots, and lands and in and over the waters adioining the same, to build sheds, wharves, docks, piers, offices, and other erections for the use of the company, and the steam vessels owned, worked or controlled by the company.

Power to purchase, build and operate vessels.

6. It shall and may be lawful for the company to purchase, build, ply, fit up, and charter, sell and dispose of, work and control, and keep in repair, steam vessels from time to time to ply on Owl Lake, Long Lake and other waters connected with the said railway, and to make arrangements, and agreements with steam boat and vessel proprietors by charter or otherwise to ply on the said lakes and rivers in connection with the said railway.

Lands for stations, terminals, etc.

7. It shall and may be lawful for the said company to acquire by purchase or otherwise and to hold, use and enjoy at or near the different terminals of the said railway, sufficient lands for their stations, buildings and erections and other grounds necessary to protect their property.

Number of directors.

Provisional directors.

8. The number of the Directors shall be not less than , and not more than . The said Michael P. Davis, William Patrick Davis and William T. Davis, until others shall be chosen as hereinafter provided, shall be and are hereby constituted a Board of Provisional Directors of the said company, three of whom shall be a quorum, with power to any two in case of vacancies occurring thereon to fill the said vacancies, to associate with themselves thereon, not more than two others, who upon being so named shall also become and be provisional directors equal with them, and they shall have power and authority immediately after the passing of this Act to open stock books, and

receive subscriptions to stock for the undertaking and may allot and apportion the stock amongst the subscribers as to them may seem meet, and may cause surveys and plans to be made and executed, and may enter into any contract or contracts for the building and equipment of the said railway, and for carrying out the other purposes of the said company, and may exercise all such other powers as under the Railway Act or any other law in force in Ontario are vested in such boards.

Capital stock.

9. The capital stock of the company shall be five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each, with power to increase the same in the manner provided under *The Railway Act of Ontario*, and all money paid to the company in respect of such shares shall be applied in the first place to the payment of all costs, charges, and expenses of and incidental to the obtaining of this Act, and all expenses of making surveys, plans, and assessments in connection with the work hereby authorized and all remaining of such money shall be applied to the making, equipment, and plant of the said railway and the other purposes of the company.

Authority to pay in paid-up stock.

10. It shall be competent for the directors of the said company to issue as paid up stock any ordinary stock of the company, and allot and pay the sum for real estate which the company is authorized by this Act to acquire, and for plant, vessels, rolling stock, or material, or erections of any kind, for the purposes of the company.

Running arrangements with other companies.

11. The said company shall have power to make traffic and running arrangements either or both with The Canadian Pacific Railway Company upon such terms as may be agreed upon.

Time for commencement and completion.

12. The railway shall be commenced within one year and completed within three years.

Operation of line during part of year.

13. The said company shall not be compelled to run or operate in any way the said railway at any time during the year that it is not profitable for the said company.

Additional powers.

14. The company may also for the purposes of and in connection with its undertaking,

Bridges.

(*a*) Construct, equip, maintain, and operate bridges on the line of railway for general traffic purposes and exercise the rights, powers and privileges, usually exercised and enjoyed by bridge companies, including the right to tolls for the use of such bridges:

Carrying on express business.

(*b*) Acquire the plant and property for and carry on the business of an Express Company;

Telegraph and telephone lines.

(*c*) Construct an electric telegraph line and a telephone line throughout and along the whole line of their railway, and the branches thereof or any part of the said railway or branches, and for the purposes of constructing, working and protecting the said telegraph and telephone lines, the powers conferred upon telegraph companies by *The Act respecting Telegraph Companies*, being Chapter 192 of the Revised Statutes of Ontario, 1897, are hereby conferred upon the company provided no poles shall be erected in the construction of either of the said lines in or through any city, town or incorporated village, without the consent of the council of such city, town, or village being first obtained by the company, and the company may undertake the transmission of messages for the public by such line or lines of telegraph or telephone and collect tolls for so doing:

Hotels and restaurants.

(*d*) Build, acquire, maintain, operate, and dispose of hotels and restaurants along its line of railway.

Issue of bonds.

15. The company may issue bonds, debentures or other securities to the extent of per mile of railway constructed or under contract to be constructed.

Issue of bonds for special purposes.

16. The company may in addition from time to time issue bonds, debentures, perpetual or terminal, debenture stock or other securities for the construction or acquisition of any vessels, properties, works, or assets, other than the railway, which the company is authorized to construct, acquire, operate, or make use of, but such bonds, debentures, perpetual or terminal debenture stock, or other securities shall not exceed any more than the value of such vessels, properties, works or assets.

Mortgages, securing bonds.

17. For the purpose of securing the issue and payment of such bonds, debentures, debenture stock or other security, the company may execute mortgages on such property, assets, rents and revenues of the company, other than the railway, present or future as therein described.

Application of 6 Edw. VII. c. 30 to bonds, etc.

18. The provisions of *The Ontario Railway Act, 1906*, relative to the issue of such securities in respect to the railway, shall as far as they are applicable apply to such bonds, debentures, debenture stock, or other securities or mortgages in respect of such properties, works, assets, rents and revenues, other than the railway.

Application of 6 Edw. VII. c. 30.

19. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the said Act and the railway constructed or to be constructed by it.

No. 174.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to incorporate the Lake Superior and Long Lake Railway and Transportation Company.

First Reading, , 1909.

(*Private Bill.*)

Mr CARRICK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 174 19 9

BILL.

An Act to incorporate the Lake Superior and Northern Railway and Transportation Company.

Preamble.

WHEREAS Michael P. Davis, William Patrick Davis, and William T. Davis, all of the City of Ottawa, in the County of Carleton, Contractors, have petitioned for an Act to incorporate a company to construct a railway to be operated by steam or electricity, or part by one and part by the other, from a point at or near what is known as Black's Siding on the Canadian Pacific Railway near the mouth of the Black River, in the District of Thunder Bay; thence northerly to the southeast angle of Owl Lake, and from a point at or near the northeast angle of Owl Lake to the southeast angle of Long Lake; thence from a point at or near the northeast angle of Long Lake to a point on The National Transcontinental Railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Michael P. Davis, William Patrick Davis, William Thomas Davis, Michael Phillip Davis, and James Thomas Davis, together with such other persons, firms and corporations as shall hereafter become shareholders of the said Company h reby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Lake Superior and *Northern* Railway and Transportation Company," hereinafter called "the Company."

Location of line.

2. The Company is authorized and empowered to survey, lay out, construct, complete, equip and maintain a railway to be operated by steam, or electricity, or part by one and part by the other, from a point on the Canadian Pacific Railway, at or near what is known as Black's Siding near the mouth of the Black River in the District of

Thunder Bay, thence northerly to the southeast angle of Owl Lake and from a point at or near the northeast angle of Owl Lake to the southeast angle of Long Lake; thence from a point at or near the northeast angle of Long Lake to a point on the National Transcontinental Railway.

Head office.

3. The head office of the Company shall be located in the City of Ottawa, in the County of Carleton.

Provisional directors.

4. The said Michael P. Davis, William Patrick Davis and William T. Davis shall be Provisional Directors of the Company

Number of directors.

5. The number of Directors shall be not less than five and not more than nine.

Capital stock.

6. The capital stock of the company shall be $500,000.

Running arrangements with other companies.

7. Subject to the provisions of *The Ontario Railway Act, 1906*, the company shall have power to make traffic and running arrangements either or both with The Canadian Pacific Railway Company upon such terms as may be agreed upon.

Hotels and restaurants.

8. The Company may build, acquire, maintain, operate, and dispose of hotels along its line of railway.

Issue of bonds.

9. The company may issue bonds, debentures or other securities to the extent of $20,000 per mile of railway constructed or under contract to be constructed.

Application of 6 Edw. VII., c. 30.

10. The provisions of *The Ontario Railway Act, 1906*, except where inconsistent with the provisions of this Act, shall apply to the *company* and the railway constructed or to be constructed by it.

No. 174.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to incorporate the Lake Superior and Northern Railway and Transportation Company.

First Reading, 19th March, 1909.

(*Reprinted as amended by the Railway Committee*).

Mr CARRICK.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 175 **BILL.** 1909

An Act to amend The Consolidated Municipal Act, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 388 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "Act" where the same occurs in the first line thereof the words "or the council of a city having a population of 50,000 or over, with the approval of the Ontario Railway and Municipal Board." 3 Edw. VII., c. 19, s. 388, amended.

2. *The Consolidated Municipal Act, 1903*, is further amended by adding after section 388*a*, the following section:— 3 Edw. VII., c. 19, amended.

388*b*. The council of any city having a population of 50,000 or over may by-law passed with the approval of the Ontario Railway and Municipal Board, but without submitting the same for the assent of the electors, raise upon the credit of the municipality such sum or sums of money as may be required to pay and liquidate the share ordered to be paid by such city of the cost of the construction of any work ordered to be constructed by the Board of Railway Commissioners for Canada or the Ontario Railway and Municipal Board or to provide from time to time for the cost of acquiring such portion or portions of any toll road as may be or may come to be within the boundaries of such city by reason of the extension of its limits; and where any city has established a public market the council thereof may similarly borrow upon any by-law passed with the approval of the Ontario Railway and Municipal Board, but without submitting the same for the assent of the electors, such sum or sums of money as may be necessary to provide for the cost of paving the market square, constructing buildings thereon, repairing, removing, altering Raising amount required to comply with order of Railway Board.

or reconstructing existing buildings or otherwise improving the said market.

3 Edw. VII., c. 19, s. 389, subs. 1 amended.

3. Subsection 1 of section 389 of *The Consolidated Municipal Act, 1903*, is amended by substituting the word "three" for the word "two," where the same occurs in the first line thereof.

No. 175.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Consolidated Municipal Act, 903.

First Reading, 16th March, 1909.

Mr. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 176 1909

BILL.

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following: Rev. Stat., c. 205, amended.

Rights of hospital boards to acquire or take lands. Rev. Stat., c. 320.

1. The trustees, directors or other governing body of any incorporated hospital in receipt of aid under the provisions of *The Act to Regulate Public Aid to Charitable Institutions*, shall have the right and they are hereby empowered to acquire, enter upon, take and use all necessary and convenient lands and buildings for the purposes of such hospital, making compensation therefor to the owners, occupiers and other persons having an interest in the said lands and buildings, and may pass by-laws for the said purposes.

Right not to be exercised until approved.

2. The right to take land and buildings aforesaid shall not be exercised unless the Inspector of Hospitals and Public Charities shall have reported that such taking is necessary for the purposes of the hospital and shall have approved of the plans of additions and improvements for which the said lands and buildings are required, and said report shall have been approved of by order of the Lieutenant-Governor in Council.

Powers as to expropriation. 3 Edw. VII., c. 19.

3. For the purposes of the preceding subsection such hospital shall have all the powers conferred upon municipal corporations by *The Consolidated Municipal Act, 1903*, as to acquiring, entering upon, taking and using lands required for the use of such corporations and, save as hereinbefore provided, sections 437 to 467, both inclusive, shall, *mutatis mutandis*, apply to such hospital trustees as if they had been named therein instead of a municipal corporation, and as if the secretary of the hospital had been named therein instead of the clerk of the municipality.

Registration of by-law.

4. The trustees, directors or other governing body of such hospital may register any by-law passed for the purposes of subsection 1 of this section by depositing in the proper registry office a copy of such by-law certified under the hands of the chairman and the secretary of the hospital and authenticated by the seal of the corporation, and the registration by them of such by-law shall vest the lands therein described in the corporation; for such registration the registrar shall be entitled to fees upon the scale provided in paragraph 1 of section 118 of *The Registry Act*.

No. 176.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Public Health Act.

First Reading, 1909.

Mr. McGARRY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 177 **BILL.** 1909

An Act to amend the Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII. c. 46 amended.

1. *The Act to regulate the speed and operation of Motor Vehicles on Highways* is amended by inserting therein the following section as section 6*a*:—

County by-laws prohibiting running on Sunday and Saturday.

6*a*. A county council may pass a by-law to provide that no motor vehicle shall be operated upon any public highway in any municipality within the county except in towns on Saturday and on Sunday.

6 Edw. VII. c. 46, sec. 19 subs. 1 amended.

2. Subsection 1 of section 19 of the said Act is amended by inserting therein between the figures "3" and "8" in the second line the figure "6*a*."

6 Edw. VII. c. 46 s. 19 amended.

3. Section 19 of the said Act is further amended by adding the following subsection:—

Imprisonment and impounding on conviction for third offence.

(3) Where the driver of a motor vehicle is convicted of a third offence whereby personal injury is sustained the offender shall be imprisoned for not less than 30 days without the option of a fine and the motor vehicle which he was driving at the time the offence was committed shall be impounded for not less than three months.

6 Edw. VII c. 46 amended.

4. The said Act is amended by adding thereto the following sections:—

Passing stationary street car.

9*a*. No motor vehicle shall pass or attempt to pass within fifteen feet of a street car which is stationary for the purpose of taking on or discharging passengers.

Suspension or revocation of license.

16*a*. The Provincial Secretary may at any time suspend or revoke a license for a violation of a provision of this

Act or any amendment thereto. Every court convicting a person of violating a provision of this Act or any amendment thereto shall forthwith notify the Provincial Secretary of such conviction and shall transmit the number or mark of the automobile or motor vehicle of such convicted persons and all other information obtained at the time of the conviction. Such information shall be recorded by the Provincial Secretary in his office and if at any time it appears that a person has been convicted of a first offence in more than one court each conviction subsequent to the date of the first one shall be deemed a subsequent offence, and such persons shall be subject to further prosecution therefor.

No. 177.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act to Regulate the Speed and Operation of Motor Vehicles.

First Reading, 16th March, 1909.

Mr. CRAIG.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 178 **BILL.** 1909

An Act to amend The Separate Schools Act.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

"Public utility company," meaning of.

1.—(1) A "public utility company" for the purposes of this section shall be deemed to be a body corporate which is empowered by statute, either of the Parliament of Canada or the Legislature of Ontario, or authorized by by-law of a municipality to erect any of its plant, works or ways or any structure upon, along or across any street, road, public way or public place either upon, above or below the surface thereof, whether such plant or structure is so erected or not.

Division of assessment of company between public and separate schools.

(2) The total assessment of every "public utility company" in every municipality in which there is a separate school shall be divided into two parts in the ratio which the number of separate school supporters bears to the number of public school supporters in the municipality, and the taxes levied upon the part proportionate to the number of separate school supporters for school purposes shall be paid to the trustees of the separate school in such municipality pursuant to the provisions of section 58. Provided, however, that the amount so paid shall not be greater than if the same were payable to the trustees of a public school.

Division of assessment of bonus companies.

2. The total assessment of every company, business or other undertaking in every municipality in which there is a separate school, which said company is bonused by such municipality shall, while such bonus continues, or if such bonus was granted by payment of a sum of money while the debentures issued by such municipality to raise the amount of such remain undischarged and unsatisfied shall be divided into two parts in the ratio which the total assessment of separate school supporters bears to the total assessment of public school supporters in the municipality and the taxes levied upon the part proportionate to the assess-

ment of separate school supporters for school purposes shall be paid to the trustees of the separate school in such municipality pursuant to the provisions of section 58. Provided that the amount so paid shall not be greater than if the same were payable to the trustees of a public school; and provided further that if a public utility company as defined in section 1 is bonused the assessment thereof shall be divided in the manner set out in this section.

Proviso.

Special municipal rate on separate school supporters.

3. Where the assessed value of all the taxable property of the separate school supporters in any township of an organized county is at least equal to an average assessment of $30,000 for each separate school section therein the municipal council of such township shall levy and collect by assessment upon the taxable property of the separate school supporters of the whole township in the manner provided by this Act and *The Municipal* and *Assessment Acts*, the sum of $300 at least for every separate school where a teacher or principal teacher is engaged for a whole year, exclusive of vacations, and a proportionate amount of such sum of $300 at least, where a teacher or principal teacher is engaged for six months or longer; and the additional sum of at least $200 for an assistant teacher engaged for a whole year exclusive of vacations, and a proportionate amount of such sum of $200 at least, where an assistant teacher is engaged for six months or longer.

7 Edw. VII c. 52 s. 3 repealed.

4. Section 3 of Chapter 52 of the Statutes passed in the seventh year of the reign of King Edward VII., intituled *An Act Respecting the Qualification of Certain Teachers*, is repealed and the following substituted in lieu thereof:

Third class professional certificates.

(3) On proof satisfactory to the Minister of Education, the Department of Education may grant third class professional certificates on qualifications to persons belonging to religious and educational communities who, prior to the first day of July, 1907 have had not less than three years' experience in teaching in public or Roman Catholic separate schools of Ontario; provided that each person shall, on or before the 31st day of December, 1909, have passed the academic and professional examinations prescribed for third class professional certificates, and that each such person shall have completed one summer term of professional training of at least four weeks' duration in accordance with the regulations of the Department of Education.

Proviso.

7 Edw. VII c. 52 s. 4 repealed.

5. Section 4 of Chapter 52 of the statutes passed in the seventh year of the reign of King Edward VII., intituled *An Act Respecting the Qualification of Certain Teachers*, is repealed and the following substituted in lieu thereof:

(4) On proof satisfactory to the Minister of Education, the Department of Education may grant second class professional certificates of qualification to persons belonging to educational and religious communities, who, prior to the first day of July, 1907, shall have taught at least five years in public or Roman Catholic separate schools of Ontario; provided that each person shall, on or before the 31st day of December, 1911, have passed the academic examinations prescribed for second class certificates, or shall have completed two summer terms of professional training of at least four weeks each, in accordance with the regulations of the Department of Education.

Second class professional certificates.

Proviso.

6. Section 42 of *The Separate Schools Act* is repealed, and the following substituted in lieu thereof:

Rev. Stat. c. 294 s. 42 repealed.

(1) Every Roman Catholic paying rates, whether as owner or tenant, shall be a supporter of a separate school situated in the municipality or in a municipality contiguous thereto, and shall be exempted from the payment of all rates imposed for the support of public schools and of public school libraries, or for the purchase of land or erection of buildings for public school purposes, within the city, town, incorporated village or section in which he resides.

Roman Catholics to be rated as separate school supporters.

(2) Where the owner or tenant is not, on or before the first day of March in any year, a resident of the municipality or rated upon the assessment roll thereof, but he subsequently becomes so resident, or liable to be so rated, before the time for appealing from the assessment to the Court of Revision, he shall be entitled to give a notice in writing by himself or his agent to the clerk of the municipality that he is a Roman Catholic and a supporter of a separate school at any time before the expiration of the said time for appealing and thereupon he shall be deemed to be a separate school supporter, and a notice so given shall have the same effect as if given on or before the first day of March of the year in which it is given.

Notice of desire to be assesssd as separate school supporter.

(3). Nothing in this section contained shall exempt any person from paying any rate for the support of public schools or public school libraries, or for the erection of a school house or school houses, imposed before the establishment of the separate school.

Saving as to rates imposed before establishment of separate school.

7. Section 48 of *The Separate Schools Act* is repealed, and the following is substituted in lieu thereof:

Rev. Stat. c. 294 repealed.

(1) The clerk of every municipality shall keep entered in a convenient index book and in alphabetical order, the name of every person who is shown on the assessment roll as a Roman Catholic and a supporter of a separate school in or contiguous to the municipality; the clerk shall also enter opposite, and in a column for this purpose, opposite

Index book of separate school supporters.

the name any notice by such person of withdrawal from supporting a separate school as provided by section 47 of this Act or by any such other Act as aforesaid with the date of such withdrawal or any disallowance of the notice of the Court of Revision or county judge with the date of such disallowance. The index book may be in the form set out in schedule G to this Act and shall be open to inspection by ratepayers.

Entry of notices from ratepayers.

(2) The clerk shall enter in the same book, and in the proper alphabetical place therein, all such notices from time to time received by the clerk.

Notices to be filed and preserved.

(3) It shall be the duty of the clerk to file and carefully preserve all notices respecting separate school supporters which have been heretofore received or shall hereafter be received.

Assessor to be guided by index book.

(4) The assessor shall be guided by the entries in said index book in ascertaining who have given the notices which are, by law, necessary, in order to entitle supporters of Roman Catholic separate schools to exemption from the public school tax.

Rev. stat. c. 294 Sched. G amended

8. Schedule G of *The Separate Schools Act* is amended by striking out the second column thereof.

Continuation classes.

9. The separate school trustees of any municipality shall have power to establish in connection with the separate school or schools over which it has jurisdiction, such courses of study in addition to the courses already provided for separate schools as may be approved by the regulations of the Education Department. The classes established under such courses shall be known as "Continuation Classes."

No. 178.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Separate Schools Act.

First Reading, 16th March, 1909.

Mr. McGARRY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 179 **BILL.** 1909

An Act respecting The Toronto Suburban Railway Company.

Preamble.

WHEREAS the Toronto Suburban Railway Company was incorporated by an Act passed in the 57th year of Her late Majesty's reign, Chaptered 94, intituled *An Act to incorporate the Toronto Suburban Street Railway Company, Limited*, and has by petition represented that the Company has constructed and is now operating its railway in the City of West Toronto, formerly the Town of Toronto Junction, and surrounding municipalities; and that by an Act passed in the 63rd year of Her late Majesty's reign, Chaptered 124, the name of the Company was changed to the Toronto Suburban Railway Company; and whereas by an Act passed in the first year of the reign of His Majesty, Chaptered 91, intituled *An Act respecting The Toronto Suburban Railway Company*, the Company was authorized to extend its line of railway from its terminus at Lambton Mills, in the Township of York, in the County of York, to some point in the City of Hamilton, in the County of Wentworth; and whereas by an Act passed in the fourth year of the reign of His Majesty, Chaptered 94, the Company was authorized to further extend its railway from a point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the Town of Niagara Falls, in the County of Welland, with a branch from a point on the line of railway already constructed in or near the Village of Weston or some point between the Village of Weston and the north limit of the Township of York, to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston or the Village of Lambton Mills, to the Town of Brampton, in the County of Peel, and also from a point on the line of railway thereby authorized in the Township of Thorold to the City of St. Catharines, in the County of Lincoln; and to the Town of Port Colborne, in the County of Welland; and whereas the said Act of Incorporation

ratified and confirmed a certain Indenture by way of mortgage to secure an issue of bonds upon the said railway; and whereas the time within which the said extensions were to be completed has expired, and the Company has by its petition asked for an extension of time for the completion thereof, and has asked that a mortgage deed to secure a new issue of bonds be ratified; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mortgage set out in Schedule "A" confirmed.

1. The deed of mortgage securing an issue of bonds to the extent of $30,000 per mile of the said railway and extensions thereof as set out in Schedule "A" to this Act dated the first day of March, A.D. 1909, in favour of the National Trust Company, Limited, as trustees for the bondholders and the bonds issued as therein provided are and each of them is hereby ratified and confirmed and declared to be valid and within the powers and authority of the Company and the said bonds shall be and become an obligation of the Company and the said deed and the said bonds are hereby declared to be binding upon and an obligation of the Company, and the said Company may after the consent of the holders thereof has been given in writing and verified by statutory declaration deposited in the office of the Provincial Secretary recall and cancel the said issue, and upon such calling in and cancellation of the said bonds, the mortgage executed for the further securing the same shall be discharged and cease to be a charge upon the undertaking and property of the said Company, and the Company may make a new issue of bonds and any necessary deed to secure the same for a like amount or for any further amount at any time or from time to time, but so that the total amount of bonds outstanding and unpaid at any one time shall not exceed $30,000 per mile of the said railway or authorized extensions thereof.

Time of completion extended.

2. Notwithstanding anything contained in the Act passed in the first year of His Majesty's reign, Chaptered 91 or in the Act passed in the 4th year of His Majesty's reign, Chaptered 94, or in *The Ontario Railway Act, 1906*, the railways authorized by the said Acts may be completed within five years from the passing of this Act, and if the railway is not completed and put in operation within five years from the passing of this Act, then the powers granted to the said Company by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

SCHEDULE "A."

This Indenture made the first day of March, A.D. 1909, Between The Toronto Suburban Railway Company hereinafter called "the Company" of the First Part, and The National Trust Company, Limited, a Company having its head office in the City of Toronto, and hereinafter called "the Trustees" of the Second Part.

Whereas the Company was incorporated by an Act of the Legislature of the Province of Ontario, passed in the year 1894 and pursuant to powers contained in the said Act, it has acquired the City and Suburban Electric Railway Company, Limited, and the Davenport Street Railway Company, Limited, and the rights, powers and franchises connected therewith, and is now in possession thereof and of certain other property in connection therewith.

And whereas in addition to the powers conferred upon said Company by the said Act the Company is empowered to extend its said line of railway, and to survey, lay out and construct, make complete and operate an extension of its said railway to Niagara Falls, in the County of Welland, by way of the City of Hamilton or thereabouts, and branch lines from a point on the line of railway already constructed at or near the Village of Weston or some point between the Village of Weston and the northern limit of the Township of York to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston, or the Village of Lambton Mills to the Town of Brampton, in the County of Peel and such other branch line as is mentioned in section 1 of the Statutes of Ontario, 1904, Chapter 94; and by the said Acts and by *The Ontario Railway Act, 1906*, the Company is authorized to issue bonds to the extent of $30,000 per mile of its railway and branches, such bonds to be issued only in proportion to the length of railway constructed or under contract to be constructed.

And whereas the length of said railway already constructed is nine miles, and it is the intention of the parties that the bond issue hereby secured shall cover all authorized extensions as well as the lines already constructed.

And whereas the Company has determined to issue its bonds to the extent and upon terms and conditions hereinafter mentioned and to secure the same by these presents.

And whereas all necessary and requisite by-laws and resolutions by the directors and shareholders of the Company have been duly passed, so as to make the issue of bonds hereby secured and the execution of these presents legal and valid and in accordance with the requirements of the Statutes relating to the Company and of all other Statutes and laws in that behalf.

And whereas these presents have been duly submitted to and have been duly approved of by the shareholders and directors of the Company at a meeting duly called and held to consider the same.

1. Now therefore this Indenture witnesseth, wherever in these presents the Company or the Trustees are mentioned or referred to such mention or reference shall extend to their successors and assigns.

2. The total amount of issue of bonds hereby secured shall be at the rate of $30,000 per mile and no more, of the company's railway and branches heretofore or hereafter constructed or under contract to be constructed, but such bonds shall be certified by the trustees from time to time and issued only in proportion to the length of such railway and branches from time to time constructed or under contract to be constructed. Provided also that before any bonds in excess of $30,000 per mile for the mileage already

constructed between the City of West Toronto and the Village of Weston, and between the City of West Toronto and Lambton Mills, and between the City of West Toronto and Bathurst Street, in the City of Toronto, and mileage within the limits of the City of Toronto, in all nine miles, are certified by the Trustees and issued the consent of the shareholders of the Company shall be given thereto by vote of not less than two-thirds in value of those present or represented by proxy at a meeting of the shareholders called for that purpose or at a general annual meeting and on such consent and on such terms and conditions as may be specified therein, bonds in excess as aforesaid may be certified and issued. In certifying bonds from time to time the trustees shall be entitled to rely upon a certified copy of a resolution of the Board of Directors of the Company or upon a certificate of the Treasurer or Secretary and Chief Engineer of the Company as to mileage constructed or under contract to be constructed in respect of which bonds are required to be certified by the trustees.

Each bond hereby secured shall be for the sum of $500.00 or its equivalent in sterling money of Great Britain at par of exchange. The said bonds shall be dated the first day of March, 1909. The principal money thereby secured shall be payable on the first day of March, A.D. 1929, with interest at the rate of 5% per annum, half yearly on the first day of March and September in each year during the currency of such bonds. The interest to be represented by coupons attached to the said bonds; provided, however, that pending the preparation of engraved or lithographed bonds, printed bonds without coupons may be issued and may be surrendered and cancelled and bonds with coupons substituted therefor. The place of payment, both of principal and interest, shall be at the chief office of the Canadian Bank of Commerce, in the City of Toronto, or the Canadian Bank of Commerce, in the City of New York, or at the Bank of Scotland, in London, England, at the option of the holder. The form of bonds shall be as follows, or to the like effect:—

THE TORONTO SUBURBAN RAILWAY COMPANY.

First Mortgage Bond.

The Toronto Suburban Railway Company for value received, hereby promises to pay to the bearer, or if registered, to the registered holder thereof, the sum of $500 in gold coin, or its equivalent, in lawful money of Canada, or the sum of £102 14 shillings 10 pence, sterling money of Great Britain on the first day of March, 1929, at the chief office of the Canadian Bank of Commerce, in the City of Toronto, Canada, or at the office of the said Bank of New York City, or in sterling at the Bank of Scotland, London, England, at the holder's option with interest thereon at the rate of five per cent. per annum payable half yearly at the said places at holder's option, in like money on the first day of March and first day of September in each year on presentation and surrender of interest coupons hereto attached as they severally become due and payable. This bond is one of a series each of like date, tenor and effect issued and to be issued to an aggregate not exceeding the sum of $30,000 for each mile of the company's railway constructed or under contract for construction at the times of actual issue for the security of which and the interest thereon the undertaking, franchises, privileges, rents, revenues, tolls, incomes, assets, and real and personal property of the Company at any time acquired both present and future, are mortgaged to the National Trust Company, Limited, as trustees, by mortgage bearing even date herewith. This bond shall pass by delivery, but may, at the option of the holder, be registered at any time in the books of the Company, and, while so registered, it shall be transferrable by written transfer, registered in said books, and as pro-

vided by the said mortgage. A transfer in favor of the bearer may subsequently be registered, after which this bond will be transferable by delivery alone until again registered in the name of the holder. Notwithstanding registration, the interest coupons shall continue to be payable to bearer. This bond shall not become obligatory until it shall have been certified by the trustees or their successors in the trust.

In witness whereof the Toronto Suburban Company has caused its seal to be hereto affixed and these presents to be signed by its president and countersigned by its secretary this first day day March, 1909.

INTEREST COUPON.

The Toronto Suburban Railway Company will pay to bearer, on the days of twelve dollars and fifty cents in gold or its equivalent of lawful money of Canada at the chief office of the Canadian Bank of Commerce, Toronto, Canada, or at the office of the said bank in New York City, or two pounds eleven shillings and four and a half pence, sterling at the Bank of Scotland, London, England, at the holder's option, being half yearly interest on bond No.

Secretary.

ENDORSED ON THE BOND.

Dominion of Canada, Province of Ontario, The Toronto Suburban Railway Company, $500.00, 5 per cent., first mortgage gold bond. Principal due March first, A.D. 1929. Interest payable first of March and first of September.

TRUSTEE'S CERTIFICATE.

This bond is certified to be one of the series within mentioned.

NATIONAL TRUST COMPANY, LIMITED,
Manager.

4. The bonds secured by these presents are and shall be all bonds certified by the trustees and issued from time time forming part of said total issue and whether first certified and issued or hereafter certified and issued from time to time in accordance with the terms hereof, and all such bonds shall be secured hereby equally and ratably and without discrimination or preference.

5. The Company for and in consideration of the premises, and for the purpose of securing payment of the said bonds and the interest and every part of the said principal and interest as the same shall become payable, according to the tenor of the said bonds, and the sum of one dollar of lawful money of Canada, now paid to the Company by the trustees (the receipt whereof is hereby acknowledged), both grant to the trustees, all and singular the railway and undertaking of the Company now made, in course of construction, or hereafter to be constructed, together with all the company's property, comprising telegraph and telephone lines erected along the said railway or used in connection therewith, and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops, and all other structures now held and acquired, or which hereafter may be held or acquired by the Company, its successors or assigns, for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars, and all other rolling stock and equipment whatsoever and all machinery tools, and implements, and all supplies and materials now held

or hereafter acquired by the Company, its successors or assigns, for construction, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtenances thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property; and also all other privileges, powers, immunities; and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it, its successors and assigns; all which are hereinafter called or referred to as the mortgaged premises.

To have, hold, reserve, take and enjoy all the mortgaged premises and every part thereof unto the trustees, to and for the use and behoof of them the trustees, but nevertheless upon the trusts and conditions and for the purposes hereinafter declared and expressed.

6. Provided always and these presents are upon this express condition, that if the Company shall well and truly pay to the lawful holders of the said bonds and of the coupons thereto attached, the amount of such bonds and coupons as the same shall respectively become due and payable, and also do pay all rates, taxes and charges whatsoever payable, upon or in respect of the said mortgaged premises, and shall observe and perform the covenants herein contained, then these presents shall cease and become utterly null and void, and the mortgaged premises shall revert to and revest in the Company without any acknowledgement of satisfaction, release, acquittance, reconveyance, re-entry, or other act or formality whatever, and the Company shall thereupon become entitled to possession of the said bonds, but in such case and whenever the moneys mentioned in the said bonds and interest thereon as aforesaid are paid and satisfactory evidence shall be given to the trustees of such payment, it shall nevertheless be the duty of such trustees at the expense of the Company to execute, acknowledge, and deliver to the Company, on demand, a full release, acquittance and discharge of all the liabilities aforesaid and a full release and re-conveyance of all and singular the mortgaged premises not lawfully disposed of under the trusts and powers aforesaid: Provided always that until default shall be made in payment of the moneys mentioned in the said bond, or of the interest payable on such moneys, or until default shall be made in respect of something herein required to be done or kept by the Company, the Company shall subject, however, to the express terms hereof, be suffered and permitted to possess, operate, manage, use and enjoy the mortgaged premises, and to take and use the rents, incomes, profits and issues thereof, in the same manner and to the same extent as if these presents had not been executed.

7. In case the Company shall fail to pay said coupons or any of them, according to the tenor thereof, on the presentation of the same respectively, or if the Company shall fail faithfully to observe and perform any of the covenants in or requirements made of it by these presents or by said bonds or coupons, and such default or failure shall continue for the space of thirty days after written notice thereof has been given by the trustees to the Company then and thereupon the whole amounts of the principal of the said bonds, together with all unpaid and accrued interest shall, upon a declaration of the trustees to that effect, made upon the request hereinafter provided for, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the trustees unless a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding shall have requested the trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, have instructed the trustees to declare such principal

sum due; and such majority of the bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided always that no act of omission either of the trustees or of the bondholders in the premises shall extend to, or be taken in any manner whatsoever to affect any subsequent default, or the rights resulting therefrom.

8. In case of default or failure as aforesaid, or in case of default in the payment of said bonds or any of them when they fall due and become payable, it shall become lawful for, but not obligatory upon the trustees to enter upon and take possession of the mortgaged premises (making the entry upon any portion thereof in the name of the whole), and to operate and manage the property and business of the Company, and to keep the mortgaged premises in repair and to collect all the revenues, issues and profits of the property and business, until the net earnings and profits, after the payment of all the reasonable and just charge and expenses of the trustees, their agents and attorneys, shall have been sufficient to answer and make good all the defaults of the Company under these presents.

10. The trustees may also, or instead of so doing, and with or without taking possession of the mortgaged premises, proceed to sell and dispose of by one sale or successively through several sales, the mortgaged premises, or such portions thereof as the trustees may deem necessary, at public auction in the City of Toronto, Ontario, on such terms as to credits, partial credits, and security for payment, and otherwise as the trustees may think proper, having first given public notice of the time and place of such sale or sales by advertisements printed once a week for at least four consecutive weeks in some newspaper published in the City of Toronto, and other places in the discretion of the trustees, and no other notice or demand whatsoever to or upon the Company prior to such sale or sales shall be necessary. The trustees are authorized to adjourn such sale or sales from time to time in their discretion, giving what they shall deem reasonable notice of the time and place of adjournment. Should any auction sale prove abortive with respect to the subject matter thereof or part thereof, the same may be afterwards sold by private sale or tender or in such other way as the trustees think best. The trustees are hereby further authorized and empowered, either in their own name or in the name of the Company, to make, execute, acknowledge and deliver to the purchaser or purchasers at any sales, good and sufficient deeds of assignments, transfer or conveyance of the subject matter of the sale, and any sale made as aforesaid shall be a perpetual bar, both in law and equity against the Company and all other persons claiming by, through or under it, from claiming the subject matter of the sale or any interest therein. And for the purpose of effecting such assignment, transfer or conveyance, the trustees are hereby constituted irrevocably the attorneys of the Company. As effecting the title to the subject matter purchased at any such sale, the statements set forth in any affidavit or statutory declaration made by the President or Manager of the trustees relating to default, the time and manner of giving notice of any default, or to the time and manner of giving notice of such sale, shall not be open to contradiction or dispute by any party or parties, but shall conclusively be deemed to be true. The trustees, or any one or more of the bondholders, or any person on their behalf, may become purchasers at any sale of the mortgaged premises, whether made under the power of sale hereinbefore contained, or pursuant to judicial proceedings, and the receipt of the Trustees shall be a sufficient discharge to the purchaser or purchasers for his or their purchase money.

10. Provided, however, that the said Trustees shall not be bound or called upon to take any proceedings to realize under this

mortgage until they shall have been fully and satisfactorily indemnified against all costs and damages which may be incurred by reason of such proceedings.

11. It is hereby agreed that the Trustees acting under these presents may, if they so elect, enforce the powers of sale hereby conferred on the Trustees by judicial proceedings in a court or courts of competent jurisdiction, and the Trustees shall be entitled to have the mortgaged premises sold by judicial sale under the decree or order of such court or courts. And it is hereby further agreed that in the event of any sale hereunder, the Trustees shall, out of the proceeds thereof, first defray the expenses thereof (including their just and lawful charges for services and expenses and a reasonable allowance for attorney and counsel fees) and refund any advance or expenses reasonably incurred by them in operating, maintaining or managing the property or business of the Company, and all payments made for taxes, assessments, insurance and other proper charges upon said premises and property. The balance of said proceeds shall be applied and paid as follows:—

12. If said balance of such proceeds is sufficient therefor, to the payment of the whole amount then due and unpaid upon the bonds hereby secured for principal and interest together with interest or overdue coupons. If such balance of such proceeds shall be sufficient to pay in full the whole amount then due and unpaid upon the bonds for principal and interest, as aforesaid, then the principal and interest of said bonds shall be paid *pro rata* without preference or priority of principal over interest or interest over principal or any instalment of interest rateably to the aggregate of such principal and unpaid interest together with interest on overdue coupons. If, after payment of the principal of said bonds and all interest, as aforesaid, computed to the time of making the payment, any balance of said proceeds still remain, the remainder shall be paid over to the Company or its assigns.

13. And the Company hereby covenants to execute and deliver to the Trustees such further and separate assignments, transfers and conveyances of the mortgaged premises, or any part thereof, as may reasonably be required for vesting the mortgaged premises in the Trustees and for fully carrying into effect the object of this mortgage, and that the mortgaged premises are free from incumbrance, and that from time to time, as the Company may acquire any real or personal property, rights, franchises, powers of any kind, the Company shall and will stand seized and possessed thereof, in trust for the Trustees hereunder and as part of the mortgaged premises, and will assign, transfer, and convey the same, from time to time, as acquired to the Trustees, as part of the mortgaged premises.

14. And it is further provided that the Trustees shall only be accountable for reasonable diligence in the management of the trusts hereof; and that the Trustees shall be entitled to take legal advice and employ such assistance as may be necessary to the proper discharge of their duties, and to receive proper and reasonable compensation for all labour and duties performed in the discharge of said trusts, which compensation the Company agrees to pay.

15. It shall be the duty of the Trustees, but subject always to the provisions herein contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the Company in the manner and subject to the qualifications herein expressed, and upon the requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the Trustees against the costs, expenses and liabilities to be by them incurred

it shall be the duty of the Trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof: provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the Trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and agreed that no holder of bonds or coupons secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this Indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the Trustees hereunder to proceed to act in the premises upon requisition and indemnification as aforesaid but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded, in like manner as is hereinbefore provided for a direction to the Trustees to waive default. And it is hereby further provided and agreed that no action taken by the Trustees or by the bondholders under this clause shall prejudice or in any manner affect the powers or rights of the Trustees or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

16. The Trustees shall not be liable for or by reason of any failure or defect of title to or any encumbrance upon the mortgaged premises, or for or by reason of the statements of facts or recitals in this mortgage or in the debentures contained, or be required to verify the same, but all such statements and recitals are and shall be deemed to have been made by the Company only; and it shall not be the duty of the Trustees and nothing herein contained shall in anywise cast any obligation upon the Trustees to see to the registration or filing or renewal of this or any other deed or writing by way of mortgage or bill of sale upon the mortgaged premises or any part thereof or upon any other property of the Company, or to procure any further, other or additional instrument of further assurance, or to do any other act for the continuance of the lien hereof, or for giving notice of the existence of such lien, or for extending or supplementing the same, or to insure against loss or damage by fire any of the mortgaged property; or to keep themselves informed or advised as to the payment by the Company of any taxes or assessments or premiums of insurance or other payments which the Company should make, or to require such payments to be made, it being hereby agreed and declared that as to all the matters and things in this clause referred to, the duty and responsibility shall rest upon the Company and not upon the Trustees, and the failure of the Company to discharge such duty and responsibility shall not in any way render the Trustees liable or cast upon them any duty or responsibility for breach which they would be liable; and the Trustees shall not be required to take any action in virtue of any of the powers conferred upon it hereunder until required so to do by writing signed by holders of bonds as herein provided, and prior to such requisition the duty and responsibility of the Trustees are confined to certifying the said bonds.

The Trustees shall not be responsible for any neglect or default on the part of any servant or agent appointed by it if selected with reasonable care, nor for any error or mistake made in good faith.

It is hereby declared that the last day of any term of years reserved by any lease, verbal, or written, or any agreement therefor now held or hereafter acquired by the Company and whether falling within a general or specific description of property hereunder, is hereby excepted out of the assignment or transfer of such lease or agreement hereby made, and does not and shall not form any portion of the mortgaged premises.

And it is further hereby declared and agreed that after any lease or sale made under the powers herein contained of any leasehold interest forming part of the mortgaged premises the Company shall stand possessed of the premises sold for the last day of the term granted by the lease thereof or agreement therefor in trust for the purchaser or purchasers, their executors, administrators and assigns, to be assigned and disposed of as he or they may direct.

17. The Company further covenants and agrees to keep the buildings, plant, machinery, rolling stock and chattels, forming part of the mortgaged premises insured in some incorporated insurance company or companies of good standing to the amount which will reasonably protect the same against loss or damage by fire, and in the event of any loss of the said property or any part thereof, by fire, all moneys payable from time to time to the Company by the insurance company or companies, in respect of such loss or losses, shall be held by the Company for the benefit of the trust by this mortgage created, in the event of the same not being expended by the Company in rebuilding or replacing the property destroyed, and subject as aforesaid, will on demand in writing by the said Trustee pay over such insurance monies to the Trustees for the benefit of the trust hereby created; but in the event of the said insurance monies, or any part thereof, not being required by the Company in rebuilding or replacing as aforesaid, then the same may be used by the Company in such a manner as the Board of Directors may declare by resolution, concurred in by the Trustees in writing; and it is agreed that in the event of non-payment of any insurance premiums by the Company, the Trustees may, on being placed in funds for that purpose by the holders of the said bonds, or any of them, pay the said premiums, and in such case and whenever the same shall happen, the Company covenants and agrees to immediately pay and reimburse the Trustees for such premium or premiums, together with interest thereon, from the date of payment by the Trustees; but the default of the Company to insure or keep insured, shall entail no liability on the part of the Trustees, or make it their duty to insure.

18. All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at the office of the Trustee or some other suitable office in Toronto a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by production thereof; and every registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place of such transfers, signed by the party registered as the owner thereof for the time being or his legal representatives or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show

the number of the bond transferred and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

Notwithstanding registration the interest coupons shall continue to be payable to bearer. The Company and the Trustees shall not be bound to take notice of any trusts appearing on or referred to in the said bonds or otherwise with respect thereto, and may transfer the same on the direction of the person registered as the holder thereof whether named as trustee or otherwise as though that person were the beneficial owner thereof; all expense of registration and transfer of bonds shall be borne by the bondholders.

19. Meetings of the bondholders under this deed of trust may be called in such mode as may be fixed by regulation prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the Trustees. And the Trustees shall have the right, at or before any meeting of the bondholders to require that any act or resolution of the bondholders affecting the duties of the Trustees, shall be authenticated by the signatures of all persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the Trustees, and such Trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed if necessary, from the trust fund) to be published three times in each week for three weeks, in one or more daily newspapers of good circulation among the business community in the Cities of Toronto and New York, and in default of such meeting being called by the Trustees within thirty days after notification to them in writing by any bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But, until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds, for the time being, shall be required to constitute a quorum at any such meeting.

20. The Trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, and subject to such conditions as they may impose, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the mortgaged premises which in the judgment of the Trustees it shall be unnecessary longer to retain for use in connection therewith.

And the Trustees shall also have power and authority to allow the Company or its assigns from time to time subject to such condition as they may impose, to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

21. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

22. The Company further agrees that it will, in each and every year ensuing the date hereof, faithfully use and apply its net earnings and income, or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the mortgaged premises, so as to keep the mortgaged premises free and clear from any encumbrance by reason thereof; and that it will, from time to time, make such additions to or repairs on the property, buildings, machinery, pole lines, or other equipment connected with the mortgaged premises, as may be necessary to keep and maintain them in first class repair and in condition for performing good and efficient service. The Company further covenants and agrees to preserve all its franchise rights.

In witness whereof these presents have been duly executed by the parties hereto, under their corporate seals, countersigned by their proper officers.

In presence of

THE TORONTO SUBURBAN RAILWAY COMPANY.
ALLAN H. ROYCE,
President.

GEO. C. ROYCE,
Secretary.

(Seal).

No. 179.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting The Toronto Suburban Railway Company.

First Reading, 1909.

(*Private Bill.*)

Mr. GODFREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 179 **BILL.** 1909

An Act respecting the Toronto Suburban Railway Company.

Preamble.

WHEREAS The Toronto Suburban Railway Company was incorporated by an Act passed in the 57th year of Her late Majesty's reign, Chaptered 94, intituled *An Act to incorporate the Toronto Suburban Street Railway Company, Limited*, and has by petition represented that the Company has constructed and is now operating its railway in the City of West Toronto, formerly the Town of Toronto Junction, and surrounding municipalities; and that by an Act passed in the 63rd year of Her late Majesty's reign, Chaptered 124, the name of the Company was changed to the Toronto Suburban Railway Company; and whereas by an Act passed in the first year of the reign of His Majesty, Chaptered 91, intituled *An Act respecting The Toronto Suburban Railway Company*, the Company was authorized to extend its line of railway from its terminus at Lambton Mills, in the Township of York, in the County of York, to some point in the City of Hamilton, in the County of Wentworth; and whereas by an Act passed in the fourth year of the reign of His Majesty, Chaptered 94, the Company was authorized to further extend its railway from a point in or near the City of Hamilton, in the County of Wentworth, to some point in or near the Town of Niagara Falls, in the County of Welland, with a branch from a point on the line of railway already constructed in or near the Village of Weston or some point between the Village of Weston and the north limit of the Township of York, to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston or the Village of Lambton Mills, to the Town of Brampton, in the County of Peel, and also from a point on the line of railway thereby authorized in the Township of Thorold to the City of St. Catharines, in the County of Lincoln; and to the Town of Port Colborne, in the County of Welland; and whereas the said Act of Incorporation

ratified and confirmed a certain Indenture by way of mortgage to secure an issue of bonds upon the said railway; and whereas the time within which the said extensions were to be completed has expired, and the Company has by its petition asked for an extension of time for the completion thereof, and has asked that a mortgage deed to secure a new issue of bonds be ratified; and whereas it is expedient to grant the prayer of the said petition;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mortgage set out in Schedule "A" confirmed.

1. The deed of mortgage securing an issue of bonds to the extent of $30,000 per mile of the said railway and extensions thereof as set out in Schedule "A" to this Act dated the first day of March, A.D. 1909, in favour of the National Trust Company, Limited, as trustees for the bondholders and the bonds issued as therein provided are and each of them is hereby ratified and confirmed and declared to be valid and within the powers and authority of The Toronto Suburban Railway Company and the said bonds shall be and become an obligation of the *said railway* Company and the said deed and the said bonds are hereby declared to be binding upon and an obligation of the *said railway* Company, and the said *railway* Company may after the consent of the holders thereof has been given in writing and verified by statutory declaration deposited in the office of the Provincial Secretary recall and cancel the said issue, and upon such calling in and cancellation of the said bonds, the mortgage executed for the further securing the same shall be discharged and cease to be a charge upon the undertaking and property of the said *railway* Company, and the *said railway* Company may make a new issue of bonds and any necessary deed to secure the same for a like amount or for any further amount at any time or from time to time, but so that the total amount of bonds outstanding and unpaid at any one time shall not exceed $30,000 per mile of the said railway or authorized extensions thereof.

Time of completion extended.

2. Notwithstanding anything contained in the Act passed in the first year of His Majesty's reign, Chaptered 91 or in the Act passed in the 4th year of His Majesty's reign, Chaptered 94, or in *The Ontario Railway Act, 1906*, the extensions and branches of the said railway authorized by the said Acts may be completed within five years from the passing of this Act and if the said extensions and branches of the said railway are not commenced, and fifteen per cent. of the amount of capital stock of the said railway is not expended in the construction of the said

extensions and branches within two years from the passing of this Act, and if the said extensions and branches are not completed and put in operation within five years from the passing of this Act, then the powers granted to the said Company by the said Acts shall cease and be null and void as respects so much of the said extensions and branches as then remains uncompleted.

SCHEDULE "A."

This Indenture made the first day of March, A.D. 1909, Between The Toronto Suburban Railway Company hereinafter called "the Company" of the First Part, and The National Trust Company, Limited, a Company having its head office in the City of Toronto, and hereinafter called "the Trustees" of the Second Part.

Whereas the Company was incorporated by an Act of the Legislature of the Province of Ontario, passed in the year 1894 and pursuant to powers contained in the said Act, it has acquired the City and Suburban Electric Railway Company, Limited, and the Davenport Street Railway Company, Limited, and the rights, powers and franchises connected therewith, and is now in possession thereof and of certain other property in connection therewith.

And whereas in addition to the powers conferred upon said Company by the said Act the Company is empowered to extend its said line of railway, and to survey, lay out and construct, make complete and operate an extension of its said railway to Niagara Falls, in the County of Welland, by way of the City of Hamilton or thereabouts, and branch lines from a point on the line of railway already constructed at or near the Village of Weston or some point between the Village of Weston and the northern limit of the Township of York to the Village of Woodbridge, in the County of York, and also from a point on the line of railway already constructed in or near the Village of Weston, or the Village of Lambton Mills to the Town of Brampton, in the County of Peel and such other branch line as is mentioned in section 1 of the Statutes of Ontario, 1904, Chapter 94; and by the said Acts and by *The Ontario Railway Act, 1906*, the Company is authorized to issue bonds to the extent of $30,000 per mile of its railway and branches, such bonds to be issued only in proportion to the length of railway constructed or under contract to be constructed.

And whereas the length of said railway already constructed is nine miles, and it is the intention of the parties that the bond issue hereby secured shall cover all authorized extensions as well as the lines already constructed.

And whereas the Company has determined to issue its bonds to the extent and upon terms and conditions hereinafter mentioned and to secure the same by these presents.

And whereas all necessary and requisite by-laws and resolutions by the directors and shareholders of the Company have been duly passed, so as to make the issue of bonds hereby secured and the execution of these presents legal and valid and in accordance with the requirements of the Statutes relating to the Company and of all other Statutes and laws in that behalf.

And whereas these presents have been duly submitted to and have been duly approved of by the shareholders and directors of the Company at a meeting duly called and held to consider the same.

1. Now therefore this Indenture witnesseth, wherever in these presents the Company or the Trustees are mentioned or referred to such mention or reference shall extend to their successors and assigns.

2. The total amount of issue of bonds hereby secured shall be at the rate of $30,000 per mile and no more, of the company's railway and branches heretofore or hereafter constructed or under contract to be constructed, but such bonds shall be certified by the trustees from time to time and issued only in proportion to the length of such railway and branches from time to time constructed or under contract to be constructed. Provided also that before any bonds in excess of $30,000 per mile for the mileage already constructed between the City of West Toronto and the Village of Weston, and between the City of West Toronto and Lambton Mills, and between the City of West Toronto and Bathurst Street, in the City of Toronto, and mileage within the limits of the City of Toronto, in all nine miles, are certified by the Trustees and issued the consent of the shareholders of the Company shall be given thereto by vote of not less than two-thirds in value of those present or represented by proxy at a meeting of the shareholders called for that purpose or at a general annual meeting and on such consent and on such terms and conditions as may be specified therein, bonds in excess as aforesaid may be certified and issued. In certifying bonds from time to time the trustees shall be entitled to rely upon a certified copy of a resolution of the Board of Directors of the Company or upon a certificate of the Treasurer or Secretary and Chief Engineer of the Company as to mileage constructed or under contract to be constructed in respect of which bonds are required to be certified by the trustees.

Each bond hereby secured shall be for the sum of $500.00 or its equivalent in sterling money of Great Britain at par of exchange. The said bonds shall be dated the first day of March, 1909. The principal money thereby secured shall be payable on the first day of March, A.D. 1929, with interest at the rate of 5% per annum, half yearly on the first day of March and September in each year during the currency of such bonds. The interest to be represented by coupons attached to the said bonds; provided, however, that pending the preparation of engraved or lithographed bonds, printed bonds without coupons may be issued and may be surrendered and cancelled and bonds with coupons substituted therefor. The place of payment, both of principal and interest, shall be at the chief office of the Canadian Bank of Commerce, in the City of Toronto, or the Canadian Bank of Commerce, in the City of New York, or at the Bank of Scotland, in London, England, at the option of the holder. The form of bonds shall be as follows, or to the like effect:—

THE TORONTO SUBURBAN RAILWAY COMPANY.

First Mortgage Bond.

The Toronto Suburban Railway Company for value received, hereby promises to pay to the bearer, or if registered, to the registered holder thereof, the sum of $500 in gold coin, or its equivalent, in lawful money of Canada, or the sum of £102 14 shillings 10 pence, sterling money of Great Britain on the first day of March, 1929, at the chief office of the Canadian Bank of Commerce, in the City of Toronto, Canada, or at the office of the said Bank of New York City, or in sterling at the Bank of Scotland, London, England, at the holder's option with interest thereon at the rate of five per cent. per annum payable half yearly at the said places at holder's option, in like money on the first day of March and first day of September in each year on presentation and surrender of interest coupons hereto attached as they severally become due and payable. This bond is one of a series each of like date, tenor and effect issued and to be issued to an aggregate not exceeding the sum of $30,000 for each mile of the company's railway constructed or under contract for construction at the times of actual issue for the security of which and the interest thereon the undertaking, franchises, privileges, rents, revenues, tolls, incomes, assets, and real and personal property of the Company at any time acquired both present and future, are mortgaged to the National Trust Company, Limited, as trustees, by mortgage bearing even date herewith. This bond shall pass by delivery, but

may, at the option of the holder, be registered at any time in the books of the Company, and, while so registered, it shall be transferrable by written transfer, registered in said books, and as provided by the said mortgage. A transfer in favor of the bearer may subsequently be registered, after which this bond will be transferable by delivery alone until again registered in the name of the holder. Notwithstanding registration, the interest coupons shall continue to be payable to bearer. This bond shall not become obligatory until it shall have been certified by the trustees or their successors in the trust.

In witness whereof the Toronto Suburban *Railway* Company has caused its seal to be hereto affixed and these presents to be signed by its president and countersigned by its secretary this first day *of* March, 1909.

INTEREST COUPON.

The Toronto Suburban Railway Company will pay to bearer, on the days of twelve dollars and fifty cents in gold or its equivalent of lawful money of Canada at the chief office of the Canadian Bank of Commerce, Toronto, Canada, or at the office of the said bank in New York City, or two pounds eleven shillings and four and a half pence, sterling at the Bank of Scotland, London, England, at the holder's option, being half yearly interest on bond No.

Secretary.

ENDORSED ON THE BOND.

Dominion of Canada, Province of Ontario, The Toronto Suburban Railway Company, $500.00, 5 per cent., first mortgage gold bond. Principal due March first, A.D. 1929. Interest payable first of March and first of September.

TRUSTEE'S CERTIFICATE.

This bond is certified to be one of the series within mentioned.

NATIONAL TRUST COMPANY, LIMITED,
Manager.

4. The bonds secured by these presents are and shall be all bonds certified by the trustees and issued from time time forming part of said total issue and whether first certified and issued or hereafter certified and issued from time to time in accordance with the terms hereof, and all such bonds shall be secured hereby equally and ratably and without discrimination or preference.

5. The Company for and in consideration of the premises, and for the purpose of securing payment of the said bonds and the interest and every part of the said principal and interest as the same shall become payable, according to the tenor of the said bonds, and the sum of one dollar of lawful money of Canada, now paid to the Company by the trustees (the receipt whereof is hereby acknowledged), both grant to the trustees, all and singular the railway and undertaking of the Company now made, in course of construction, or hereafter to be constructed, together with all the company's property, comprising telegraph and telephone lines erected along the said railway or used in connection therewith, and with all rights of way and station grounds, station houses, engine houses, freight sheds, machine shops, and all other structures now held and acquired, or which hereafter may be held or acquired by the Company, its successors or assigns, for use in the construction, maintenance, operation and running of the said railway and telegraph and telephone lines, and also all locomotives, tenders, passenger, baggage, freight and other cars, and all other rolling stock and equipment whatsoever and all machinery tools, and implements, and all supplies and materials now held

or hereafter acquired by the Company, its successors or assigns, for construction, maintaining, operating and repairing the said railway and telegraph and telephone lines, or any of the equipment or appurtenances thereof, and all tolls, incomes, rents, issues, profits and sources of money arising or to arise from the said railway and other property; and also all other privileges, powers, immunities; and all other corporate and other franchises in respect of the said railway now owned, held or enjoyed by the Company or hereafter to be held, owned or conferred upon it, its successors and assigns; all which are hereinafter called or referred to as the mortgaged premises.

To have, hold, reserve, take and enjoy all the mortgaged premises and every part thereof unto the trustees, to and for the use and behoof of them the trustees, but nevertheless upon the trusts and conditions and for the purposes hereinafter declared and expressed.

6. Provided always and these presents are upon this express condition, that if the Company shall well and truly pay to the lawful holders of the said bonds and of the coupons thereto attached, the amount of such bonds and coupons as the same shall respectively become due and payable, and also do pay all rates, taxes and charges whatsoever payable, upon or in respect of the said mortgaged premises, and shall observe and perform the covenants herein contained, then these presents shall cease and become utterly null and void, and the mortgaged premises shall revert to and revest in the Company without any acknowledgement of satisfaction, release, acquittance, reconveyance, re-entry, or other act or formality whatever, and the Company shall thereupon become entitled to possession of the said bonds, but in such case and whenever the moneys mentioned in the said bonds and interest thereon as aforesaid are paid and satisfactory evidence shall be given to the trustees of such payment, it shall nevertheless be the duty of such trustees at the expense of the Company to execute, acknowledge, and deliver to the Company, on demand, a full release, acquittance and discharge of all the liabilities aforesaid and a full release and re-conveyance of all and singular the mortgaged premises not lawfully disposed of under the trusts and powers aforesaid: Provided always that until default shall be made in payment of the moneys mentioned in the said bond, or of the interest payable on such moneys, or until default shall be made in respect of something herein required to be done or kept by the Company, the Company shall subject, however, to the express terms hereof, be suffered and permitted to possess, operate, manage, use and enjoy the mortgaged premises, and to take and use the rents, incomes, profits and issues thereof, in the same manner and to the same extent as if these presents had not been executed.

7. In case the Company shall fail to pay said coupons or any of them, according to the tenor thereof, on the presentation of the same respectively, or if the Company shall fail faithfully to observe and perform any of the covenants in or requirements made of it by these presents or by said bonds or coupons, and such default or failure shall continue for the space of thirty days after written notice thereof has been given by the trustees to the Company then and thereupon the whole amounts of the principal of the said bonds, together with all unpaid and accrued interest shall, upon a declaration of the trustees to that effect, made upon the request hereinafter provided for, become and be immediately due and payable, notwithstanding that the time limited in the said bonds for the payment thereof may not then have elapsed; but such declaration shall not be made by the trustees unless a majority in interest of the holders of all the bonds aforesaid which shall then be outstanding shall have requested the trustees so to do, by an instrument in writing under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, have instructed the trustees to declare such principal

sum due; and such majority of the bondholders as aforesaid shall have the power to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided always that no act of omission either of the trustees or of the bondholders in the premises shall extend to, or be taken in any manner whatsoever to affect any subsequent default, or the rights resulting therefrom.

8. In case of default or failure as aforesaid, or in case of default in the payment of said bonds or any of them when they fall due and become payable, it shall become lawful for, but not obligatory upon the trustees to enter upon and take possession of the mortgaged premises (making the entry upon any portion thereof in the name of the whole), and to operate and manage the property and business of the Company, and to keep the mortgaged premises in repair and to collect all the revenues, issues and profits of the property and business, until the net earnings and profits, after the payment of all the reasonable and just charge and expenses of the trustees, their agents and attorneys, shall have been sufficient to answer and make good all the defaults of the Company under these presents.

10. The trustees may also, or instead of so doing, and with or without taking possession of the mortgaged premises, proceed to sell and dispose of by one sale or successively through several sales, the mortgaged premises, or such portions thereof as the trustees may deem necessary, at public auction in the City of Toronto, Ontario, on such terms as to credits, partial credits, and security for payment, and otherwise as the trustees may think proper, having first given public notice of the time and place of such sale or sales by advertisements printed once a week for at least four consecutive weeks in some newspaper published in the City of Toronto, and other places in the discretion of the trustees, and no other notice or demand whatsoever to or upon the Company prior to such sale or sales shall be necessary. The trustees are authorized to adjourn such sale or sales from time to time in their discretion, giving what they shall deem reasonable notice of the time and place of adjournment. Should any auction sale prove abortive with respect to the subject matter thereof or part thereof, the same may be afterwards sold by private sale or tender or in such other way as the trustees think best. The trustees are hereby further authorized and empowered, either in their own name or in the name of the Company, to make, execute, acknowledge and deliver to the purchaser or purchasers at any sales, good and sufficient deeds of assignments, transfer or conveyance of the subject matter of the sale, and any sale made as aforesaid shall be a perpetual bar, both in law and equity against the Company and all other persons claiming by, through or under it, from claiming the subject matter of the sale or any interest therein. And for the purpose of effecting such assignment, transfer or conveyance, the trustees are hereby constituted irrevocably the attorneys of the Company. As effecting the title to the subject matter purchased at any such sale, the statements set forth in any affidavit or statutory declaration made by the President or Manager of the trustees relating to default, the time and manner of giving notice of any default, or to the time and manner of giving notice of such sale, shall not be open to contradiction or dispute by any party or parties, but shall conclusively be deemed to be true. The trustees, or any one or more of the bondholders, or any person on their behalf, may become purchasers at any sale of the mortgaged premises, whether made under the power of sale hereinbefore contained, or pursuant to judicial proceedings, and the receipt of the Trustees shall be a sufficient discharge to the purchaser or purchasers for his or their purchase money.

10. Provided, however, that the said Trustees shall not be bound or called upon to take any proceedings to realize under this

mortgage until they shall have been fully and satisfactorily indemnified against all costs and damages which may be incurred by reason of such proceedings.

11. It is hereby agreed that the Trustees acting under these presents may, if they so elect, enforce the powers of sale hereby conferred on the Trustees by judicial proceedings in a court or courts of competent jurisdiction, and the Trustees shall be entitled to have the mortgaged premises sold by judicial sale under the decree or order of such court or courts. And it is hereby further agreed that in the event of any sale hereunder, the Trustees shall, out of the proceeds thereof, first defray the expenses thereof (including their just and lawful charges for services and expenses and a reasonable allowance for attorney and counsel fees) and refund any advance or expenses reasonably incurred by them in operating, maintaining or managing the property or business of the Company, and all payments made for taxes, assessments, insurance and other proper charges upon said premises and property. The balance of said proceeds shall be applied and paid as follows:—

12. If said balance of such proceeds is sufficient therefor, to the payment of the whole amount then due and unpaid upon the bonds hereby secured for principal and interest together with interest or overdue coupons. If such balance of such proceeds shall be sufficient to pay in full the whole amount then due and unpaid upon the bonds for principal and interest, as aforesaid, then the principal and interest of said bonds shall be paid *pro rata* without preference or priority of principal over interest or interest over principal or any instalment of interest rateably to the aggregate of such principal and unpaid interest together with interest on overdue coupons. If, after payment of the principal of said bonds and all interest, as aforesaid, computed to the time of making the payment, any balance of said proceeds still remain, the remainder shall be paid over to the Company or its assigns.

13. And the Company hereby covenants to execute and deliver to the Trustees such further and separate assignments, transfers and conveyances of the mortgaged premises, or any part thereof, as may reasonably be required for vesting the mortgaged premises in the Trustees and for fully carrying into effect the object of this mortgage, and that the mortgaged premises are free from incumbrance, and that from time to time, as the Company may acquire any real or personal property, rights, franchises, powers of any kind, the Company shall and will stand seized and possessed thereof, in trust for the Trustees hereunder and as part of the mortgaged premises, and will assign, transfer, and convey the same, from time to time, as acquired to the Trustees, as part of the mortgaged premises.

14. And it is further provided that the Trustees shall only be accountable for reasonable diligence in the management of the trusts hereof; and that the Trustees shall be entitled to take legal advice and employ such assistance as may be necessary to the proper discharge of their duties, and to receive proper and reasonable compensation for all labour and duties performed in the discharge of said trusts, which compensation the Company agrees to pay.

15. It shall be the duty of the Trustees, but subject always to the provisions herein contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the Company in the manner and subject to the qualifications herein expressed, and upon the requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the Trustees against the costs, expenses and liabilities to be by them incurred

it shall be the duty of the Trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof: provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the Trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and agreed that no holder of bonds or coupons secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this Indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the Trustees hereunder to proceed to act in the premises upon requisition and indemnification as aforesaid but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded, in like manner as is hereinbefore provided for a direction to the Trustees to waive default. And it is hereby further provided and agreed that no action taken by the Trustees or by the bondholders under this clause shall prejudice or in any manner affect the powers or rights of the Trustees or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

16. The Trustees shall not be liable for or by reason of any failure or defect of title to or any encumbrance upon the mortgaged premises, or for or by reason of the statements of facts or recitals in this mortgage or in the debentures contained, or be required to verify the same, but all such statements and recitals are and shall be deemed to have been made by the Company only; and it shall not be the duty of the Trustees and nothing herein contained shall in anywise cast any obligation upon the Trustees to see to the registration or filing or renewal of this or any other deed or writing by way of mortgage or bill of sale upon the mortgaged premises or any part thereof or upon any other property of the Company, or to procure any further, other or additional instrument of further assurance, or to do any other act for the continuance of the lien hereof, or for giving notice of the existence of such lien, or for extending or supplementing the same, or to insure against loss or damage by fire any of the mortgaged property; or to keep themselves informed or advised as to the payment by the Company of any taxes or assessments or premiums of insurance or other payments which the Company should make, or to require such payments to be made, it being hereby agreed and declared that as to all the matters and things in this clause referred to, the duty and responsibility shall rest upon the Company and not upon the Trustees, and the failure of the Company to discharge such duty and responsibility shall not in any way render the Trustees liable or cast upon them any duty or responsibility for breach which they would be liable; and the Trustees shall not be required to take any action in virtue of any of the powers conferred upon it hereunder until required so to do by writing signed by holders of bonds as herein provided, and prior to such requisition the duty and responsibility of the Trustees are confined to certifying the said bonds.

mortgage until they shall have been fully and satisfactorily indemnified against all costs and damages which may be incurred by reason of such proceedings.

11. It is hereby agreed that the Trustees acting under these presents may, if they so elect, enforce the powers of sale hereby conferred on the Trustees by judicial proceedings in a court or courts of competent jurisdiction, and the Trustees shall be entitled to have the mortgaged premises sold by judicial sale under the decree or order of such court or courts. And it is hereby further agreed that in the event of any sale hereunder, the Trustees shall, out of the proceeds thereof, first defray the expenses thereof (including their just and lawful charges for services and expenses and a reasonable allowance for attorney and counsel fees) and refund any advance or expenses reasonably incurred by them in operating, maintaining or managing the property or business of the Company, and all payments made for taxes, assessments, insurance and other proper charges upon said premises and property. The balance of said proceeds shall be applied and paid as follows:—

12. If said balance of such proceeds is sufficient therefor, to the payment of the whole amount then due and unpaid upon the bonds hereby secured for principal and interest together with interest or overdue coupons. If such balance of such proceeds shall be sufficient to pay in full the whole amount then due and unpaid upon the bonds for principal and interest, as aforesaid, then the principal and interest of said bonds shall be paid *pro rata* without preference or priority of principal over interest or interest over principal or any instalment of interest rateably to the aggregate of such principal and unpaid interest together with interest on overdue coupons. If, after payment of the principal of said bonds and all interest, as aforesaid, computed to the time of making the payment, any balance of said proceeds still remain, the remainder shall be paid over to the Company or its assigns.

13. And the Company hereby covenants to execute and deliver to the Trustees such further and separate assignments, transfers and conveyances of the mortgaged premises, or any part thereof, as may reasonably be required for vesting the mortgaged premises in the Trustees and for fully carrying into effect the object of this mortgage, and that the mortgaged premises are free from incumbrance, and that from time to time, as the Company may acquire any real or personal property, rights, franchises, powers of any kind, the Company shall and will stand seized and possessed thereof, in trust for the Trustees hereunder and as part of the mortgaged premises, and will assign, transfer, and convey the same, from time to time, as acquired to the Trustees, as part of the mortgaged premises.

14. And it is further provided that the Trustees shall only be accountable for reasonable diligence in the management of the trusts hereof; and that the Trustees shall be entitled to take legal advice and employ such assistance as may be necessary to the proper discharge of their duties, and to receive proper and reasonable compensation for all labour and duties performed in the discharge of said trusts, which compensation the Company agrees to pay.

15. It shall be the duty of the Trustees, but subject always to the provisions herein contained, to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity, or at law, to enforce the rights of bondholders in the several cases of default herein specified, on the part of the Company in the manner and subject to the qualifications herein expressed, and upon the requisition in writing signed by the holder or holders of said bonds to an aggregate amount of not less than one-fifth of the amount of said bonds then outstanding, and adequate and proper indemnification of the Trustees against the costs, expenses and liabilities to be by them incurred

it shall be the duty of the Trustees to proceed to enforce the rights of the bondholders under these presents, by such proceeding authorized by these presents or by law, as they shall be in such requisition directed to take by the said proportion of bondholders; or if such requisition contains no such direction, then by entry, sale, or suit or suits in equity or at law, as they being advised by counsel learned in the law shall deem most expedient for the interest of the holders of said bonds; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof: provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said bonds for the time being, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, to direct the Trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and agreed that no holder of bonds or coupons secured to be paid hereby, shall have the right to institute any suit or proceeding for the foreclosure of this Indenture, or the execution of the trusts thereof, except upon and after the refusal or neglect of the Trustees hereunder to proceed to act in the premises upon requisition and indemnification as aforesaid but it shall nevertheless be lawful for a majority in interest of the holders of said bonds, for the time being, to direct the party or parties bringing any such suit or proceeding, to waive the default or defaults on which it is founded. in like manner as is hereinbefore provided for a direction to the Trustees to waive default. And it is hereby further provided and agreed that no action taken by the Trustees or by the bondholders under this clause shall prejudice or in any manner affect the powers or rights of the Trustees or of the bondholders in the event of any subsequent default or breach of condition or covenant herein.

16. The Trustees shall not be liable for or by reason of any failure or defect of title to or any encumbrance upon the mortgaged premises, or for or by reason of the statements of facts or recitals in this mortgage or in the debentures contained, or be required to verify the same, but all such statements and recitals are and shall be deemed to have been made by the Company only; and it shall not be the duty of the Trustees and nothing herein contained shall in anywise cast any obligation upon the Trustees to see to the registration or filing or renewal of this or any other deed or writing by way of mortgage or bill of sale upon the mortgaged premises or any part thereof or upon any other property of the Company, or to procure any further, other or additional instrument of further assurance, or to do any other act for the continuance of the lien hereof, or for giving notice of the existence of such lien, or for extending or supplementing the same, or to insure against loss or damage by fire any of the mortgaged property; or to keep themselves informed or advised as to the payment by the Company of any taxes or assessments or premiums of insurance or other payments which the Company should make, or to require such payments to be made, it being hereby agreed and declared that as to all the matters and things in this clause referred to, the duty and responsibility shall rest upon the Company and not upon the Trustees, and the failure of the Company to discharge such duty and responsibility shall not in any way render the Trustees liable or cast upon them any duty or responsibility for breach which they would be liable; and the Trustees shall not be required to take any action in virtue of any of the powers conferred upon it hereunder until required so to do by writing signed by holders of bonds as herein provided, and prior to such requisition the duty and responsibility of the Trustees are confined to certifying the said bonds.

The Trustees shall not be responsible for any neglect or default on the part of any servant or agent appointed by it if selected with reasonable care, nor for any error or mistake made in good faith.

It is hereby declared that the last day of any term of years reserved by any lease, verbal, or written, or any agreement therefor now held or hereafter acquired by the Company and whether falling within a general or specific description of property hereunder, is hereby excepted out of the assignment or transfer of such lease or agreement hereby made, and does not and shall not form any portion of the mortgaged premises.

And it is further hereby declared and agreed that after any lease or sale made under the powers herein contained of any leasehold interest forming part of the mortgaged premises the Company shall stand possessed of the premises sold for the last day of the term granted by the lease thereof or agreement therefor in trust for the purchaser or purchasers, their executors, administrators and assigns, to be assigned and disposed of as he or they may direct.

17. The Company further covenants and agrees to keep the buildings, plant, machinery, rolling stock and chattels, forming part of the mortgaged premises insured in some incorporated insurance company or companies of good standing to the amount which will reasonably protect the same against loss or damage by fire, and in the event of any loss of the said property or any part thereof, by fire, all moneys payable from time to time to the Company by the insurance company or companies, in respect of such loss or losses, shall be held by the Company for the benefit of the trust by this mortgage created, in the event of the same not being expended by the Company in rebuilding or replacing the property destroyed, and subject as aforesaid, will on demand in writing by the said Trustee pay over such insurance monies to the Trustees for the benefit of the trust hereby created; but in the event of the said insurance monies, or any part thereof, not being required by the Company in rebuilding or replacing as aforesaid, then the same may be used by the Company in such a manner as the Board of Directors may declare by resolution, concurred in by the Trustees in writing; and it is agreed that in the event of non-payment of any insurance premiums by the Company, the Trustees may, on being placed in funds for that purpose by the holders of the said bonds, or any of them, pay the said premiums, and in such case and whenever the same shall happen, the Company covenants and agrees to immediately pay and reimburse the Trustees for such premium or premiums, together with interest thereon, from the date of payment by the Trustees; but the default of the Company to insure or keep insured, shall entail no liability on the part of the Trustees, or make it their duty to insure.

18. All bonds hereby secured shall be payable to bearer, and negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided; and the Company shall keep at the office of the Trustee or some other suitable office in Toronto a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting at either of the said places a written statement of the said particulars and verifying his title to such bond by production thereof; and every registration of ownership shall be properly certified on the bond. After such registration of ownership of any such bond so certified thereon, no transfer shall be made or shall be valid except in writing, in a suitable transfer book to be kept by the Company at the said place of such transfers, signed by the party registered as the owner thereof for the time being or his legal representatives or his or their agent or attorney thereunto duly authorized. And the fact of every such transfer shall be entered upon the said last mentioned transfer book, so as to show

the number of the bond transferred and the name and address of the transferee, unless any such transfer shall be to bearer, in which case it shall be so entered; and every such transfer shall be noted on the bond, and if the last transfer be to bearer, it shall restore to it transferability by delivery; but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid, at the option of each holder.

Notwithstanding registration the interest coupons shall continue to be payable to bearer. The Company and the Trustees shall not be bound to take notice of any trusts appearing on or referred to in the said bonds or otherwise with respect thereto, and may transfer the same on the direction of the person registered as the holder thereof whether named as trustee or otherwise as though that person were the beneficial owner thereof; all expense of registration and transfer of bonds shall be borne by the bondholders.

19. Meetings of the bondholders under this deed of trust may be called in such mode as may be fixed by regulation prescribed or established by the bondholders; and the bondholders may vote at such meetings personally or by proxy; and the quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the bondholders, acting by the majority in interest, as to them shall seem expedient; and until the bondholders shall define the quorum, and make such regulations or by-laws, such powers may be exercised by the Trustees. And the Trustees shall have the right, at or before any meeting of the bondholders to require that any act or resolution of the bondholders affecting the duties of the Trustees, shall be authenticated by the signatures of all persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever, and as often as any contingency shall arise in which the action of the holders of the bonds secured hereby shall be necessary, or in which the said bondholders are herein declared to have any discretionary voice or power, it shall be the duty of the Trustees, and such Trustees shall be and are hereby authorized and required to call a meeting of the holders of bonds secured hereby, to be held at any city in Canada and in the absence of any regulation or by-law determining the notice to be given of such meeting, it shall be notified to the bondholders by advertisement (the expenses whereof shall be a liability of the Company, and may be defrayed if necessary, from the trust fund) to be published three times in each week for three weeks, in one or more daily newspapers of good circulation among the business community in the Cities of Toronto and New York, and in default of such meeting being called by the Trustees within thirty days after notification to them in writing by any bondholder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said bonds, to the aggregate amount of at least one-fifth of the entire outstanding bonds of the Company, to call such meeting; and at such meeting so convened, the holders of the said bonds shall be competent to exercise in person, or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. But, until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding bonds, for the time being, shall be required to constitute a quorum at any such meeting.

20. The Trustees shall at all times during the continuance of the trust hereby created, have power and authority, to be exercised in their own discretion and not otherwise, and subject to such conditions as they may impose, to convey or release from the lien and operation of these presents, to any party who may be designated in writing by the Company to receive the same, any portion of the mortgaged premises which in the judgment of the Trustees it shall be unnecessary longer to retain for use in connection therewith.

And the Trustees shall also have power and authority to allow the Company or its assigns from time to time subject to such condition as they may impose, to dispose of, in its discretion, any or any part of the locomotives, tenders, passenger, baggage, freight and other cars and other rolling stock and equipment, machinery, tools and implements required or held for the use of the said railway and telegraph and telephone lines or the extension thereof as shall become unfit or unnecessary for such use.

21. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the Company all the holders of the bonds hereby secured shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

22. The Company further agrees that it will, in each and every year ensuing the date hereof, faithfully use and apply its net earnings and income, or so much of such net earnings and income as may be necessary for that purpose, to the payment of the interest accruing in such year, on said bonds, when the same shall become due, until all the said bonds shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every description which may be lawfully imposed, levied or assessed upon all or any part of the mortgaged premises, so as to keep the mortgaged premises free and clear from any encumbrance by reason thereof; and that it will, from time to time, make such additions to or repairs on the property, buildings, machinery, pole lines, or other equipment connected with the mortgaged premises, as may be necessary to keep and maintain them in first class repair and in condition for performing good and efficient service. The Company further covenants and agrees to preserve all its franchise rights.

In witness whereof these presents have been duly executed by the parties hereto, under their corporate seals, countersigned by their proper officers.

In presence of

THE TORONTO SUBURBAN RAILWAY COMPANY.
ALLAN H. ROYCE,
President.

GEO. C. ROYCE,
Secretary.

(Seal).

No. 179.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Toronto Suburban Railway Company.

First Reading, 19th March, 1909.

(*Reprinted as amended by the Railway Committee*).

Mr. GODFREY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 180 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 591*c* of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "and" in the 7th line, the words "the council of a city, town, township or village." 3 Edw. VII., c. 19, s. 591*c*, amended.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1909.

Mr. GALLAGHER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 181 1909

BILL.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 595 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may." 3 Edw. VII., c. 19, s. 595, amended.

No. 181.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1909.

Mr. BRADBURN.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 182. 1909

BILL.

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 660 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following:— 3 Edw. VII. c. 19, s. 660 amended.

Prizes for Keeping up Roadside, etc.

5. For granting a prize not exceeding $10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded. Prizes for best kept roadside and farm front, etc.

No. 182.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 17th March, 1906.

Mr. BOWYER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 183 **BILL.** 1909

An Act to amend The Ontario Municipal Securities Act, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Ontario Municipal Securities Act, 1908*, is amended by adding after the word "itself" in the third line, the words "or where the by-law has been amended by the council to conform with the general law and the burden on the ratepayers is not increased by the amending by-law." 8 Edw. VII., c. 51, s. 4, amended.

2. Sections 10 and 13 of the said Act are repealed. 8 Edw. VII., c. 51, ss. 10 and 13 repealed.

3. Section 11 of the said Act is amended by striking out the words "Secretary of the Board" in the fifth and sixth lines and substituting therefor "Treasurer of Ontario." 8 Edw. VII., c. 51, s. 11, amended.

No. 183.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Municipal Securities Act, 1908.

First Reading, 17th March, 1909.

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 183 **BILL.** 1909

An Act to amend The Ontario Municipal Securities Act, 1908.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Ontario Municipal Securities Act, 1908*, is amended by adding after the word "itself" in the third line, the words "or where the by-law has been amended by the council to conform with the *provisions of the* general or special Act, as the case may be, and the burden on the ratepayers is not increased by the amending by-law." 8 Edw. VII., c. 51, s. 4, amended.

2. Section 10 of the said Act is amended by striking out the words "Secretary of the Board" in the last line and substituting therefor the words "Treasurer of Ontario."

3. Section 11 of the said Act is amended by striking out the words "Secretary of the Board" in the fifth and sixth lines and substituting therefor *the words* "Treasurer of Ontario." 8 Edw. VII., c. 51, s. 11, amended.

4. Section 13 of the said Act *is* repealed. 8 Edw. VII., c. 51, ss. 10 and 13 repealed.

No 183.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Municipal Securities Act, 1908.

First Reading, 17th March, 1909.
Sceond Reading, 22nd March, 1909.

(*Reprinted as amended by Committee of the Whole House*).

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 184 **BILL.** 1909

An Act to amend The Ontario Railway Act, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 79 of *The Ontario Railway Act, 1906*, is repealed and the following substituted therefor: 6 Edw. VII. c. 30 s. 79 (2) amended.

Rear end vestibules.

(2) All Companies operating their cars without rear end vestibules shall allow the conductors employed on such cars to stand immediately inside of the rear vestibule door when not collecting fares during said period, except when crossing intersections or when engaged at the Y's.

No. 184.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Railway Act, 1906.

First Reading, 18th March, 1909.

Mr. McNAUGHT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 185 **BILL.** 1909

An Act to amend The Workmen's Compensation for Injuries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Workmen's Compensation for Injuries Act* is amended by adding thereto the following section:— Rev. Stat. c. 160 amended.

3*a*.—(1) Notwithstanding anything in this or any other Act contained, if in any employment personal injury by accident arising out of and in the course of the employment is caused to any conductor, engineer, fireman, brakeman or motorman employed on any railway, street railway or tramway, his employer shall be liable to pay compensation therefor. Right of railway employee to damages for injury.

(2) Provided that:— Proviso.

(*a*) Nothing in this Act contained shall affect any civil liability, if any, of the employer existing at common law or otherwise independent of this Act, but such workman may at his option either claim compensation under this section or take proceedings independently of this section, but the employer shall not be liable to pay compensation for injury to any such workman sustained in the course of the employment both independently of and also under this section. Other liability not affected.

(*b*) If it is proved that the injury to any such workman is attributable to his own serious and wilful misconduct any compensation claimed in respect of that injury shall be disallowed. Serious or wilful misconduct of employee.

Where action is brought under other Act.

(3) If within the time specified in this Act for taking proceedings under this Act, an action is brought to claim damages independently of this Act for injuries caused to any workman within the meaning of this section, and it is proved in such action that the injury is one for which the employer is not liable in such action but that he would have been liable to pay compensation under this section, the action shall be dismissed; but the court in which the action proceeded or the jury shall, if the plaintiff so choose, proceed to assess the compensation under this section; but the court may deduct from such compensation all or part of the costs which in the opinion of the court has been caused to the defendant by the proceedings taken independently of this section and may enter judgment accordingly.

Notice of action, compensation, etc., to be subject to provisions of c. 160.

(4) All proceedings under this section shall be subject to notice of action as in other cases under this Act and the amount of compensation and the distribution thereof shall likewise be subject to the provisions of this Act as in all other actions and proceedings brought for damages or compensation for injuries sustained under this Act.

No. 185.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Workmen's Compensation for Injuries Act.

First Reading, 18th March, 1909.

Mr. FRASER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 186 **BILL.** 1909

The Fair Wages and Hours of Labour Regulation Act, 1909.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *"The Fair Wages and Hours of Labour Regulation Act, 1909."*

PRELIMINARY.

Interpretation.

2. In this Act

"Employer" means:— "Employer."

(*a*) Any person for whom a workman or shop-assistant works, and includes any contractor, agent, manager, foreman, or other person acting or apparently acting in the control of any workman as herein defined;

(*b*) Any person, company or association employing persons in a factory, warehouse or shop, or other place used as a factory, warehouse or shop as defined by *The Factories Act*; Rev. Stat., c. 256.

(*c*) Any municipal corporation, railway company using steam or electricity as a motive power, electric light and power company and telephone and telegraph company;

(*d*) And generally all persons who employ workmen in any branch of work and labour.

"Workman" means:— "Workman."

(*a*) Any person employed at any handicraft or in preparing or manufacturing any article for trade or sale by piece work or otherwise; and includes any person employed in a bake-house, laundry or dye-works;

(*b*) Any person who is employed or works in a factory, warehouse or shop of any kind of work whatever;

(*c*) Any person who works at any trade or business including unskilled labourers;

(*d*) All persons, male and female, over the age of twenty-one years.

Hours of labour.

3. Eight hours a day shall constitute a legal day's work for all workmen employed within the meaning of this Act, and no workman shall be required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood or danger to life or property.

Overtime.

4. A workman shall be deemed to work overtime when he works more than forty-eight hours in any week. Every workman who works overtime shall be paid at the rate of one and one-half times the rate per hour at which he is engaged and paid; and in no case shall he receive for such overtime less than forty cents per hour or fraction thereof.

Minimum wage.

5. Notwithstanding any agreement or understanding to the contrary made by a workman with his employer, no workman shall be employed and paid at less than twenty cents per hour, irrespective of any amount earned at overtime.

Child labour.

6. No male infant under the age of eighteen years, and no female infant shall be allowed to work longer than eight hours each day and at such rate of wages for work performed whether by piece work or otherwise as shall be fair and reasonable.

The Minister of Agriculture or such officer as he shall appoint is hereby empowered to investigate and fix the rate of wages to be paid to such infants in the various classes of work in which they may be employed.

Penalty.

7. If any employer fails to observe and carry out the provisions of this Act, he shall be liable on conviction to a penalty not exceeding one hundred dollars, and the provisions of *The Act respecting Master and Servant* shall, so far as applicable, apply to this Act.

Rev. Stat., c. 157.

SUPPLEMENTAL.

Employers to keep records of overtime work.

8.—(1) Every employer shall

(*a*) Keep a record, in the form prescribed, of overtime worked by such of his workmen or shop-assistants as are males;

(*b*) Produce such record and furnish extracts therefrom to an inspector appointed as hereinafter provided when called upon to do so.

(2) If any employer fails to carry out any of the provisions of this section he shall be liable to a penalty not exceeding fifty dollars. Penalty.

9.—(1) An inspector appointed under *The Ontario Factories Act* may, in addition to the powers thereby conferred on him, Powers of Inspectors under Factories Act, Rev. Stat., c. 256.

(*a*) At any reasonable hour, by day or night, enter any building, room or place, where he has reasonable cause to believe a workman or shop-assistant is employed;

(*b*) Examine any workman or shop-assistant, either alone or in the presence of any other person, with respect to any matter dealt with in this Act, and require him to sign a declaration of the truth of the matters in respect of which he is so examined;

(*c*) Require the production of and examine and take extracts from any record required by this Act to be kept.

(2) Any person who obstructs any such inspector in the exercise of his powers under this section, or who by word or act or by concealing any person, prevents the examination as aforesaid of any workman or shop-assistant shall be liable to a penalty not exceeding fifty dollars. Penalties.

10. This Act shall not apply to domestics or farm labourers, nor where all the persons employed as workmen are members of the employer's family. Saving clause.

GOVERNMENT WORKS.

11.—(1) Every contract to which the Province of Ontario is a party, which may involve the employment of labourers, workmen or mechanics, shall contain a stipulation that no labourer, workman or mechanic in the employ of the contractor or sub-contractor, or other persons doing or contracting to do the whole or a part of the work contemplated by the contract, shall be permitted or required to work more than eight hours in any one calendar day except in places of extraordinary emergency caused by fire, flood or danger to life or property. Government works.

(2) Every such contract hereafter made shall contain a provision that unless the person or corporation making or performing it complies with the provisions of this Act, the

contract shall be void and the person or corporation shall not be entitled to receive any sum nor shall any officer, agent or employee of the Province of Ontario pay or authorize payment from the funds under his charge or control to the person or corporation, for work done upon or in connection with the contract which in its form or manner of performance violates the provisions of this Act.

(3) This Act shall apply to work undertaken by the Province of Ontario by day labour.

(4) In all such contracts and sub-contracts relating thereto the wages paid to workmen employed or engaged therein shall be the current wages for competent workmen in the district in which the work is being performed according to the scale of wages paid in each class of trade.

(5) Contractors shall post in a conspicuous place on the works under erection the schedule of wages inserted in their contracts for the protection of workmen.

Commencement of Act.

12. This Act shall commence on the 1st day of July, A.D. 1909.

No. 186.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

The Fair Wages and Hours of Labour Regulation Act, 1909.

First Reading, 19th March, 1809.

Mr. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 187 **BILL.** 1909

An Act to amend the Ontario Election Act, and the Consolidated Municipal Act, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in *The Ontario Voters' List Act*, *The Ontario Election Act*, and *The Consolidated Municipal Act, 1903*, every married woman, unmarried woman and widow of the age of twenty-one years and being a British subject, shall be entitled to vote at Municipal elections, and at elections for the Legislative Assembly of this Province, and enjoy all the rights and privileges of franchise and representation held by male voters, subject only to the provisions of residence in the Province and in the Municipality and Electoral District respectively, as in the case of male voters. 7 Edw. VII., c. 2. 8 Edw. VII., c. 3. 3 Edw. VII., c. 19.

No. 187.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Ontario Election Act, and the Consolidated Municipal Act, 1903.

First Reading, 19th March, 1909.

Mr. FRIPP.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 188 **BILL.** 1909

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c 248 s. 107*a* as enacted by 2 Edw. VII. c. 34, s. 107*a* amended.

1. Subsection 9 of section 107*a* of *The Public Health Act* as enacted by section 1 of the Act passed in the second year of His Majesty's reign, Chaptered 34, is amended by striking out the words, "nor shall the said section apply or be enforced in any part of this Province which is without county organization"; and the said subsection shall be read and construed as if it had been originally enacted as hereby amended. Provided, however, that penalties shall only be recoverable for offences committed after the passing of this Act.

As to districts without county organization.

No. 188.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Public Health Act.

First Reading, 19th March, 1909.

Mr. MAHAFFY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 188 **BILL.** 1909

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 9 of section 107*a* of *The Public Health Act* as enacted by section 1 of the Act passed in the second year of His Majesty's reign, Chaptered 34, is amended by striking out the words, "nor shall the said section apply or be enforced in any part of this Province which is without county organization." Rev. Stat. c. 248 s. 107*a* as enacted by 2 Edw. VII. c. 34, s. 107*a* amended. As to districts without county organization.

2. Subsection 4 of the said section is amended by inserting the words "or district" after the word "county" in the 6th line. Rev. Stat. c. 248 sec. 107*a* amended.

No. 188.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Public Health Act.

First Reading, 19th March, 1909.
Second Reading, 24th March, 1909.

(*Reprinted as amended by the Municipal Committee.*)

Mr. MAHAFFY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 189

BILL.

1909

An Act to amend The Act to regulate the Speed and Operation of Motor Vehicles on Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 19 of *The Act to regulate the Speed and Operation of Motor Vehicles on Highways* is repealed and the following substituted therefor:— 6 Edw. VII c. 46, s. 19, subs. 1, amended.

19.—(1) Any person violating any of the provisions of sections, 3, 8, 11 and 10*b* of this Act shall, upon summary conviction, for the first offence be liable to a fine of $50 or one week's imprisonment or both, for the second offence to a fine or $100 or one month's imprisonment or both, and for a third or any subsequent offence to a term of imprisonment not exceeding six months.

2. The said Act is amended by adding thereto the following section:— 6 Edw. VII, c. 46, amended.

10*b*. No motor vehicle shall be run or allowed to stand upon any public highway in any town, township village or police village during the hours between six o'clock in the forenoon and nine o'clock in the afternoon on Saturdays and between the hours of six o'clock in the forenoon and three o'clock in the afternoon on Sundays.

3. Section 18 of the said Act is amended by adding thereto the following words, "and where any injury, loss or damage is incurred or sustained by any person through the frightening of a horse, or horses, or otherwise by reason of the presence of a motor vehicle upon any public highway outside the limits of any city, town or incorporated village, the person sustaining such damage, loss or injury shall be entitled to recover the amount thereof in any court of competent judisdiction, unless the owner or driver of such motor vehicle, in the opinion of the court or jury trying the case, shall establish that such injury arose through the negligence of the person claiming for such injury, loss or damage." 6 Edw. VII, c. 46, s. 18, amended.

No. 189.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act to regulate the Speed and Operation of Motor Vehicles on Highways.

First Reading, 19th March, 1909.

Mr. Ross
(Middlesex.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 190 **BILL.** 1909

An Act to amend The General Road Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembl– of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 193 s. 54 amended.

1. Clause (*d*2) of subsection 1 of section 54 of *The General Road Companies Act* as enacted by section 18 of the Act passed in the third vear of His Majesty's reign, Chaptered 14, is amended by striking out the words "two cents" in the last line and substituting therefor the words "ten cents."

Tolls on automobiles.

No. 190.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The General Road Companies Act.

First Reading, 19th March, 1909.

Mr. FERGUSON
(Grenville.)

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 191 **BILL.** 1909

An Act to amend The Municipal Act.

WHEREAS it is desirable to empower the Councils of townships, towns and villages, and cities having less than 100,000 inhabitants, and the Board of Commissioners of Police in cities having 100,000 inhabitants or more, to limit the number of licenses to be issued for the purpose of keeping bagatelle or billiard tables, and to limit the number of billiard or bagatelle tables which shall be licensed in the municipality;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "billiard" wherever the same appears in said section the word "pool" and by adding at the end thereof, the following: 3 Edw. VII. c. 19, s. 583, subs. 4 amended.

"For limiting the number of licenses to be issued hereunder and for limiting the number of billiard or bagatelle tables which shall be licensed in the municipality."

No. 191.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 19th March, 1909.

Mr. BREWSTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 192 BILL. 1909

An Act to amend The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power*, is amended by adding thereto the following sections:— Rev. Stat. c. 200 amended.

Laying pipes on highways, etc.

9. Any person, firm or company owning or operating a pipe line for transporting natural gas or oil, may enter into an agreement or agreements for laying, maintaining and operating a pipe line or pipe lines along, over and across the property of any person, or along, over and across the highways of any municipality.

Complaints to Railway and Municipal Board.

10. The Ontario Railway and Municipal Board shall have jurisdiction to hear and determine the complaint of any person, firm, company or municipality of the breach of the terms of an agreement entered into for any of the purposes aforesaid.

Board may grant right to lay pipes on highways.

11. Upon a complaint being made by any person, firm or company operating a pipe line or pipe lines for any of the purposes aforesaid, of the refusal of any person or municipality to enter into an agreement for said purposes, or of the failure to agree upon the terms thereof, the Ontario Railway and Municipal Board shall have jurisdiction to hear and determine the matter of any such complaint, and to empower said person, firm or company to lay, maintain and operate a pipe line or pipe lines for such purposes or any of them, in such manner and upon such terms and conditions as the Board shall determine.

Precautions to be adopted.

12. The Board may also require any person, firm or company operating pipe lines for conveying natural gas or

oil to adopt such means and appliances and to take and use such precautions as the Board may deem necessary and expedient for the safety of life and property.

General powers of Board. 6 Edw. VII., c. 30; 6 Edw. VII., c. 31.

13. The Board shall, in respect of the matters provided for by sections 9 to 12 have the like jurisdiction, powers and authorities as are vested in it with respect to railways and railway companies under *The Ontario Railway Act of 1906*, and under *The Ontario Railway and Municipal Board Act of 1906*, and the powers conferred by this section may be exercised as to a part of a highway or private property, and as to some only of the lines of any said company or person or as to a part or parts thereof.

Sections 10 to 13 not to apply to cities.

14. The provisions of the foregoing sections 10, 11, 12 and 13 shall not be deemed to apply to cities.

No. 192.

1st Session, 12th Legislature.
9 Edward VII., 1909.

BILL.

An Act to amend The Act respecting Companies for supplying Steam, Heat, Electricity or Natural Gas for Heat, Light or Power.

First Reading, 19th March, 1909.

Mr. BREWSTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 193 1909

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 76 of *The Consolidated Municipal Act, 1903*, is hereby amended by striking out subsection (*c*) of subsection 1, which reads as follows:— 3 Edw. VII., c. 19, s. 76, amended.

"In cities—Freehold to $1,000, leasehold to $2,000," and by striking out all the words of said subsection 1 after the word "leasehold" in the tenth line from the end of said subsection 1.

No. 193.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Consolidated Municipal Act, 1903.

First Reading, 19th March, 1909.

Mr. BREWSTER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 194 1909

BILL.

An Act to amend The Supplementary Revenue Act of 1907.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 15 of *The Supplementary Revenue Act, 1907*, as enacted by section 3 of the Act to amend the said Act, passed in the 8th year of His Majesty's reign, Chaptered 15, is amended by adding thereto the following subsection:— 7 Edw. VII., c. 9 amended.

(3) The one-third and one-half herein mentioned as the maximum deduction for municipal income tax shall mean one-third or one-half, as the case may be, of the amount or part only of the tax under said section 6 which arises from or is referable to the mine or mineral workings or part thereof actually situate within the municipality to which the municipal income tax is payable, notwithstanding that another part of what is under said section liable to taxation as a single mine exists outside the municipality; and the Mine Assessor may at all times require any additional statements or returns to be made that he may deem necessary for fixing the portion of tax referable to the municipality. Maximum deduction for municipal income tax defined.

No. 194.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Supplementary Revenue Act of 1907.

First Reading, 22nd March, 1909.

Mr. COCHRANE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 195 **BILL.** 1909

An Act to amend The Act respecting Burlington Beach.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 22 of *The Act respecting Burlington Beach* is repealed and the following section substituted therefor:— 7 Edw. VII., c. 22, s. 22, amended.

Territory separated from township of Saltfleet and County of Wentworth.

22.—(1) From and after the passing of this Act, the territory aforesaid shall be deemed to be separated from and to no longer form part of the Township of Saltfleet or of the County of Wentworth for municipal or school purposes and shall cease to be subject to the jurisdiction thereof, except for judicial purposes.

Payments by Commissioners of Beach for certain purposes.

(2) The commissioners shall pay annually on or before the 31st day of December until the year 1925 inclusive, and no longer the sum of $200 only, to the said Township of Saltfleet for school section number 4 debenture debt existing at the time of the passing of this Act.

(3) The school house in said school section number 4 of the Township of Saltfleet to be the exclusive property of the said school section number 4 as constituted after the separation of the said territory of Burlington Beach therefrom.

(4) The said territory of Burlington Beach shall not send any pupils to the said school without the consent of the trustees of said school section number 4.

(5) The commissioners shall pay annually on or before the 31st day of December until the year 1933 inclusive, and no longer the sum of $97.50 to the County of Wentworth for the county debenture debt as existing at the time of the passing of this Act.

(6) The said commissioners shall also pay annually on or before the 31st day of December, the sum of $

to the said County of Wentworth in full satisfaction of all further liability to the said County of Wentworth.

2. The said Act is further amended by adding the following sections:—

Action not to be maintainable against township or county.

22a. No action shall be maintainable against the said County of Wentworth or against the said Township of Saltfleet by reason of the non-repair of the highways, streets, sidewalks or bridges in the said territory of Burlington Beach or by reason of any misfeasance or nonfeasance in relation to the said territory.

Collection of arrears of taxes.

22b. The said Township of Saltfleet is authorized and empowered to collect in the manner provided by *The Assessment Act* all arrears of taxes up to and inclusive of 1906 and still remaining unpaid and for the purposes aforesaid the Treasurer and Warden of the County of Wentworth shall have power respectively to take all the proceedings which Treasurers and Wardens under *The Assessment Act* can take for the sale and conveyance of lands in arrears for taxes in respect to lands in arrears for taxes on said territory of Burlington Beach of which a return has been made to the Treasurer of the said County of Wentworth for arrears prior to the 31st day of December, 1906.

No. 195.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act respecting Burlington Beach.

First Reading, 22nd March, 1909

Mr. COCHRANE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 196 **BILL.** 1909

An Act to amend The Free Grants and Homesteads Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Free Grants and Homesteads Act* is amended by adding the following as subsection 3 to section 13 thereof: Rev. Stat. c. 29, s. 13 amended.

(3) In all townships open for location or sale under this Act or the regulations thereunder, the Minister may, at the request of any locatee, under said Act, who has received his patent for lands located or sold to him, or of any person shewing title under him, cause such lands, provided they are not under timber license, to be examined by an officer or officers appointed by the Minister for such purpose, and if his or their report shews that such lands are not valuable for their pine trees and have not more that 40,000 feet board measure of pine timber thereon the Minister may make an order releasing and discharging said lands from the reservation in the patents of such pine trees and said order or a copy thereof certified under section 47 of *The Public Lands Act* shall be filed in the office of the Registrar or Local Master of Titles for the county or district in which said lands lie. In certain cases the Minister may release lands from reservation of timber. Rev. Stat. c. 28.

2. Section 12 of the said Act is amended by striking out the word "six" in the third line thereof and substituting the word "four" therefor, and by striking out the word "five" in the thirteenth line thereof and substituting the word "three" therefor. Rev. Stat. c. 29, s. 12 amended.

No. 196.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Free Grants and Homesteads Act.

First Reading, 22nd March, 1909.

Mr. COCHRANE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 197 **BILL.** 1909

An Act to amend and improve the law respecting Mine Accidents and Operation of Mines.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 163 of *The Mines Act of Ontario* is amended by adding the following paragraph:— 8 Edw. VII., c. 21, s. 163 amended.

"The Inspector and any person authorized to act on his behalf shall be entitled to be present and to examine or cross examine any witness at every inquest held concerning a death caused by an accident at a mine, and if the Inspector or some one on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days' notice of the time and place at which the evidence is to be taken." Right of the Inspector or his representative to be present at inquest.

2. Paragraph 7 of section 164 of the said Act is amended by adding the following words: "and the officer in charge of the mine shall immediately report such offence to the Inspector or to the Crown Attorney of the County or District in which the mine is situate." 8 Edw. VII., c. 21, s. 164 amended. Offence to be reported to the Inspector or Crown Attorney.

3. Paragraph numbered 9 of said section 164 is amended by adding the words: "and no drilling shall be done in any hole that has been blasted, nor shall any metal tool be introduced into the bottom of any such hole." 8 Edw. VII., c. 21, s. 164, par. 9 amended.

4. Paragraph numbered 23 of the said section 164 is amended by inserting after the word "tubs" in the 3rd line thereof, the words: "except that men employed in shaft sinking shall be allowed to ascend and descend to and from the nearest level by means of the bucket used for hoisting material, but there must always be a suitable ladder in the shaft to provide an auxiliary means of escape." 8 Edw. VII., c. 21, s. 164, par. 23 amended.

8 Edw. VII., c. 21, s. 164 amended.

5. The said section 164 is amended by inserting the following paragraph:—

Crossheads to be provided with safety appliance.

"24*a*. All crossheads must be provided with a safety appliance so constructed that the crosshead cannot stick in the shaft without also stopping the bucket."

8 Edw. VII., c. 21, c. 164, par. 31, amended.

6. The paragraph numbered 31 of said section 164 is amended by adding at the end thereof the following words: "and shall enter the record of such scaling operations in a book kept for that purpose in the mine office and cause it to be signed by each of the men who did the scaling."

Record to be kept of all scaling operations.

8 Edw. VII., c. 21, s. 174 amended.

7. Section 174 of the said Act is amended by substituting for the words "the agent or any contractor and" in the 3rd line thereof, the words "and the agent of the mine and any contractor or."

8 Edw., VII., c. 21, s 179 subs. 1 amended. Penalty increased.

8. Subsection 1 of section 179 of the said Act is amended by substituting for the words "not exceeding $50", the words "of not less than $100 nor more than $1,000."

8 Edw. VII., c. 21. s. 179, subs. 2, amended,

9. Subsection 2 of said section 179 is amended by substituting for the words "not exceeding $10" the words "of not less than $10 nor more than $100."

8 Edw. VII., c. 21, s. 179, subs. 3 amended.

10. Subsection 3 of said section 179 is amended by substituting for "$5," the figures "$100."

8 Edw. VII,, c. 21, s. 179 amended.

11. The said section 179 is further amended by adding thereto the following subsection:

Imprisonment of offender against Part IX in certain cases.

(5) Where the offence is one which is calculated to endanger the safety of those employed in or about the mine or to cause serious personal injury or dangerous accident and was committed wilfully by the personal act, default or negligence of the accused, every owner, agent or other person who is guilty of an offence against Part IX of this Act shall, in addition to or in substitution for any pecuniary penalty that may be imposed, be liable to imprisonment with or without hard labour for a period not exceeding three months.

No. 197.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend and improve the law respecting Mine Accidents and Operation of Mines.

First Reading, 22nd March, 1909.

Mr. COCHRANE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 198 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 559 of *The Consolidated Municipal Act, 1903*, is amended by adding the following words and paragraph:— 3 Edw. VII., c. 19, amended.

By the councils of counties:—

(4*b*) For authorizing and regulating the erection and maintenance of electric light, electric power, telegraph and telephone poles, towers and wires, and the laying of pipes or conduits for the conveyance of water, gas or sewage on roads assumed or controlled by the county. Regulating erection of poles, towers, wires etc., on county roads.

No. 198.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading. 22nd March, 1909.

MR. REAUME.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No 199 **BILL.** 1909

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsections 1 and 2 of section 618 of *The Consolidated Municipal Act, 1903*, enacted by section 24 of *The Municipal Amendment Act, 1905*, are repealed and the following substituted therefor:— 3 Edw. VII, c. 19, s. 610 amended. 5 Edw. VII, c. 22.

Settlement of disputes between counties and local municipalities as to bridges.

618.—(1) Whenever there is a dispute between one or more counties and one or more local municipalities (other than cities and separated towns) as to the duty or liability to build and maintain a bridge in whole or in part or as to the proportions in which they should respectively contribute to the building or maintenance of such bridge the council of any of such municipalities may by resolution set forth the grounds of complaint or the question in dispute and may by such resolution declare that application should be made to the Judge of the County Court of the county or one of the counties for an order determining the matter in dispute.

Resolution to be served on clerks of other municipalities.

(2) After the passing of such resolution the clerk of each municipality shall forthwith serve a copy thereof, certified to be a true copy under his hand and the corporate seal of the municipality, upon the clerk or clerks of the other municipality or municipalities affected.

2. Subsection 3 of the said section is amended by adding after the word "county" in the 4th line the words, "or one of the counties," by adding after the word "clerk" in the 7th line, the words "or clerks" and by adding after the word "municipality" in the 7th line the words "or municipalities." 3 Edw. VII, c. 19, s. 618, subs. 3, amended.

3. Subsection 4 of the said section is amended by adding after the word "fit" in the 5th line the words "or any." 3 Edw. VII, c. 19, s. 618 subs. 4, amended.

3 Edw. VII, c. 19, s. 618, subs. 5, amended.

4. Subsection 5 of the said section is amended by adding after the word "corporation" in the 2nd line the words "or corporations," by adding after the word "office" in the 6th line the words "or offices" and by adding after the word "division" in the 6th line the words "or registry divisions."

No. 199.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Municipal Act.

First Reading, 22nd March, 1909.

Mr. ELLIOTT.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 200 1909

BILL.

An Act respecting the Department of Education.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Department of Education Act*. 6 Edw. VII., c. 52, s. 1.

Interpretation.

2. In this Act,—

"Council."

(*a*) "Council" shall mean the Advisory Council of Education;

"Department."

(*b*) "Department" shall mean the Department of Education;

"Minister."

(*c*) "Minister" shall mean the Minister of Education;

"Registrar."

(*d*) "Registrar" shall mean the Registrar of the Department;

"Regulations."

(*e*) "Regulations" shall mean regulations made by the Minister and approved of by the Lieutenant-Governor in Council as provided by this Act. (*New.*)

Department of Education.

3.—(1) There shall be a Department of the Government of Ontario to be known as "The Department of Education," which shall be presided over by the Minister of Education. (*See* 6 Edw. VII., c. 52, s. 2.)

Deputy Minister and Registrar.

(2) The Lieutenant-Governor in Council may appoint a Deputy Minister of Education and a Registrar of the Department of Education. (*See* R.S.O., 1897, c. 15, ss. 17 and 18.)

MINISTER OF EDUCATION.

Minister of Education.

4.—(1) The Minister shall have the administration and enforcement of the statutes and Regulations respecting

Public Schools, Separate Schools, Kindergarten Departments, Consolidated Schools, High Schools, Collegiate Institutes, Continuation Schools, Technical Schools, School Cadet Corps, all Departments of any such schools, Night Schools, School Gardens, School Libraries, Public Libraries, Travelling Libraries, Library Institutes and of all other schools supported in whole or in part by public money which may hereafter be established, unless other provision is made in the Act by which the school is established.

Management of Schools and Institutions.

(2) The Minister shall have the management and control of Model Schools, Normal Schools, Teachers' Institutes, Summer and Vacation Schools and the Institutions for the education of the Blind and the Deaf and Dumb.

Appointment of Inspectors, Teachers, and Officers.

(3) The Minister may appoint such Inspectors, Teachers, and Officers for purposes of instruction, supervision and administration as he may deem expedient.

Prescribing duties of officers.

(4) Subject to the provisions of this Act and to the Regulations, the Minister may prescribe the duties of the Registrar and of all other officers of the Department.

Regulations.

5. Subject to the provisions of any statute in that behalf the Minister, with the approval of the Lieutenant-Governor in Council, may make Regulations,

Schools, departments, etc.

(*a*) For the establishment, organization, government, courses of study, and examination of the schools, departments, school cadet corps, school gardens, institutes and institutions hereinbefore mentioned. (*See* 6 Edw. VII., c. 52, s. 4 (1).)

Fees of candidates, examiners and students.

(*b*) Prescribing the fees, if any, to be paid by candidates at Departmental examinations other than High School Entrance Examinations and by Normal and Model school students. (*See* 6 Edw. VII., c. 52, s. 4 (1).)

(*c*) Prescribing the fees to be paid to presiding officers and examiners in connection with Departmental Examinations and by whom and in what manner such fees and any other expenses in connection with such examinations shall be borne and paid.

Construction and equipment of school houses and grounds.

(*d*) Prescribing the accommodations and equipment of school houses and the arrangement of school premises. (*New.*)

Text books and books of reference.

(*e*) Authorizing text books for the use of pupils and of teachers in training attending such schools, departments, school gardens, corps, institutes and institutions and books of reference for the

use of teachers and pupils. (*See* 6 Edw. VII., c. 52, s. 4 (2).)

(*f*) For the management of public, travelling, school libraries and library institutes. (*See* 6 Edw. VII., c. 52, s. 4 (2).) Libraries.

(*g*) Prescribing the qualifications and duties of inspectors, teachers and directors of such schools, departments, corps, school gardens, institutes and institutions. (*See* Edw. VII., c. 52, s. 4 (2).) Qualification and duties of teachers and inspectors.

(*h*) For conducting the examinations prescribed by the regulations and settling the results thereof. (*See* 6 Edw. VII., c. 52, s. 4 (3).) Departmental examinations.

(*i*) For granting temporary, interim, special, permanent, and renewed certificates of qualification to teachers. (*New.*) Teachers' certificates.

(*j*) For the payment of the superannuation allowances of inspectors and teachers. (*New.*) Superannuation allowances.

(*k*) For the apportionment and distribution of all moneys appropriated by the Legislature for educational purposes, including sums granted for public and travelling libraries and the maintenance of historical, literary and scientific institutions. (*New.*) Apportionment of legtislative grant.

(*l*) For the affiliation with any University in Ontario or with the Normal or Model Schools of such Collegiate Institutes, High Schools, Public Schools or Separate Schools as he may deem necessary for practical instruction in the art of teaching. (*See* 6 Edw. VII., c. 52, s. 4 (3).) Affiliating certain schools with other institutions.

(*m*) For accepting such courses and examinations of any University in Ontario as he may deem adequate for the academic and professional training of teachers. (*See* 6 Edw. VII., c. 52, s. 4 (7).) Accepting University courses and examinations in pedagogy.

(*n*) For the conduct of the business of the Advisory Council of Education. 6 Edw. VII., c. 52, s. 4 (9). Conduct of business of council.

POWERS AND DUTIES OF MINISTER.

6. It shall be the duty of the Minister and he shall have power, Powers and duties of Minister.

(*a*) To apportion all sums of money appropriated as a general grant for urban public and separate schools among the several cities, towns and Apportionment of general grant for Urban schools

villages according to the population of each as compared with the population of all the urban municipalities in the Province according to the last annual returns received from municipal clerks;

Division between Public and Separate schools.

(*b*) To divide the amount so apportioned to each city, town and village between the public and separate schools therein, according to the average number of pupils who attended such schools respectively during the next preceding calendar year;

Apportionment of special school grants.

(*c*) Subject to the Regulations, to apportion all sums of money appropriated as a special grant for urban public and separate schools among the several cities, towns and villages, on the basis of the grade of the teachers' certificates and the length of their successful experience;

Payment of grants to public schools.

(*d*) To pay, on or before the first day of August in each year, the grants so apportioned to the treasurer of each city, town and village, for payment to the respective boards of public schools upon the warrants of the inspectors;

Payment of grants to separate schools.

(*e*) To pay, on or before the 1st day of August in each year the grants so apportioned to the respective boards of separate schools upon the warrants of the inspector of separate schools;

Apportionment of grant for rural schools.

(*f*) Subject to the Regulations, to apportion all sums of money appropriated as a general grant for the rural public and separate schools amongst such rural schools on the basis of the salaries paid to the teachers, the value of the equipment, the character of the accommodation, the grade of the teachers' professional certificates, the length of their successful experience, and the amount of the municipal or school assessments;

Payment of grants to rural schools.

(*g*) To pay, on or before the first day of August in each year, the grants so apportioned to the rural public and separate schools in counties, to the treasurers of the respective boards of rural public and separate schools upon the warrants of the inspectors of the public and separate schools;

Payments of grants to rural schools in districts.

(*h*) Subject to the Regulations, to pay the grants so apportioned to rural public and separate schools in Provisional Judicial Districts to the respective boards of trustees on or before the first day of August in each year or in two equal instalments, the first on or before the 1st day of August, and the second on or before the 1st day of December;

(*i*) Subject to the Regulations, to apportion to public and separate school boards in poor rural districts, and to the residents of lumber, mining, and other settlements all sums of money appropriated for assisted schools; Apportionment of grants to assisted schools.

(*j*) Subject to the Regulations, to apportion all sums of money appropriated for high school purposes among the several high schools of the Province, on the basis of the salaries paid to teachers, the character of the accommodation, and the value of the equipment, after providing a minimum grant for each school which is equipped in accordance with the Regulations, and notice of such apportionment shall be given to the county clerk of each county, so that the county grant may be paid to the treasurer of the board of such school; Apportionment of high school grant.

(*k*) Subject to the Regulations, to apportion out of any moneys appropriated for such purposes, all sums payable under any Statute or Regulation towards the maintenance of Faculties of Education in any of the universities, the normal, model, or other schools or institutes for the training of teachers, continuation schools and fifth classes, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, night schools, public libraries, travelling libraries, art schools, school libraries, art departments of schools, cadet corps and for free text books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes; Apportionment of grant made to different institutions.

(*l*) To accept in lieu of the departmental courses and examinations prescribed for candidates for teachers' certificates, such evidence of academic scholarship or professional training or experience as he may deem equivalent thereto; Accepting other qualifications in lieu of departmental examinations.

(*m*) To submit a case on any question arising under *The Public Schools Act*, *The High Schools Act*, or *The Separate Schools Act* or this Act to a Judge of the High Court for his opinion and decision, or, by the leave of a Judge of such Court to a Divisional Court of the High Court for its opinion and decision; Minister may submit questions arising upon school law to High Court.

(*n*) To determine all disputes and complaints laid before him the settlement of which is not other- Power to settle disputes and complaints.

wise provided for by law, and all appeals made to him from the decision of an inspector or other school officer;

Suspension or cancellation of certificates.

(*o*) To suspend or cancel any certificate of qualification granted by the Department;

Power to appoint commissioners.

(*p*) To appoint as a Commission one or more persons, as he may deem expedient, to inquire into and report upon any school matter, with power to administer oaths to witnesses, and with all the powers which may be conferred on commissioners under *The Public Enquiries Act;* and

Annual report to be made by Minister.

(*q*) To report annually to the Lieutenant-Governor upon the condition of education in Ontario, with such suggestions for the improvement thereof as he may deem expedient. (*See* 6 Edw. VII., c. 52, s. 23.)

SUPERINTENDENT OF EDUCATION.

Appointment of Superintendent.

7. The Lieutenant-Governor in Council may appoint a Superintendent of Education who shall hold office during pleasure. (*See* 6 Edw. VII., c. 52, s. 2 (1).)

Duties and powers.

8. The Superintendent of Education shall have, subject to the direction of the Minister and to the provisions of any Act or regulation, the general supervision and direction of all classes of High Schools, Public Schools, Separate Schools, Technical Schools, professional training schools and the Departmental Examinations for Teachers, Teachers' Institutes, Art Schools, and School Libraries, and of the Inspectors of any of such of schools, and shall make such recommendations to the Minister as he may deem expedient with respect to any matters arising out of such supervision and direction. (*See* 6 Edw. VII., c. 52, s. 25 (2).)

ADVISORY COUNCIL OF EDUCATION.

Advisory Council of Education how composed.

9. There shall be an Advisory Council of Education composed as follows:—

(*a*) The President of the University of Toronto for the time being, who shall be chairman;

(*b*) The Superintendent of Education who shall, subject to the direction of the Minister, represent him, but shall have no vote;

(*c*) Three additional members representing the University of Toronto, to be elected by the Senate of the University;

(*d*) Four members representing, respectively, Queen's University, McMaster University, Ottawa University and the Western University, one to be elected by the Senate of each University;

(*e*) Two members elected by and representing the High School Teachers;

(*f*) Four members elected by and representing the Public School Teachers;

(*g*) One member elected by and representing the Separate School Teachers;

(*h*) Two members elected by and representing the Public School Inspectors, and

(*i*) Two members elected as hereinafter mentioned and representing the School Trustees of the Province. (*See* 6 Edw. VII., c. 52, s. 5.)

To be a consultative committee.

10.—(1) The Council shall be a consultative committee to confer with the Minister on such subjects only as he may submit to it or to its committees. (*See* 6 Edw. VII., c. 52, s. 6 (1).)

Regulating conduct of business.

(2) The Council shall have power, subject to the Regulations, to make rules for the conduct of its own business. (6 Edw. VII., c. 52, s. 6 (4).)

Certain persons disqualified from being members.

11. No person who is directly or indirectly, alone or with another, as principal or agent, by himself or by the interposition of a third person financially interested in the preparation, publication, authorization or sale of any text book or other book or of any map or chart or other apparatus for use in any of the schools, continuation classes, departments or institutes which are under the direction and regulation of the Minister, shall be eligible as a member of the Council or sit or vote thereon, and any member of the Council who becomes so financially interested shall thereby vacate his office. (*See* 6 Edw. VII., c. 52, s. 7.)

How meetings to be called.

12.—(1) The meetings of the Council and of its committees shall be called by the Minister.

(2) The Registrar shall attend the meetings of the Council and shall act as secretary thereof.

Qualification of members.

13.—(1) Every representative of a University shall be elected from among the members of the Senate of the University, and each of the other elected members of the council shall be elected from among the members of the body which he represents, and shall possess the same qualifications as are prescribed by this Act for the electors of such body.

Election of representatives of Universities.

(2) At an election of a representative of a University every member of the Senate thereof shall have the right to vote, and in other respects each Senate shall elect its representatives in such manner as it may deem expedient.

Election of teachers and inspectors.

(3) The representatives of the high school, public school and separate school teachers, and of the public school inspectors, shall be elected by ballot as provided in this Act. 6 Edw. VII., c. 52, s. 9.

Triennial elections.

14.—(1) Every elected member of the Council shall hold office for three years, and until his successor is elected.

Eligible for re-election.

(2) A member of the Council who retains his qualification shall be eligible for re-election. (*See* 6 Edw. VII., c. 52, s. 10.)

What teachers may vote.

15.—(1) Every teacher who holds a permanent certificate of qualification granted by the Minister, and who is engaged in teaching in a school for which such permanent certificate qualifies such teacher shall be entitled to be entered on the list of teachers of that class and to vote at the election of a representative thereof.

What inspectors may vote.

(2) Every public school inspector engaged in the performance of the duties of that office shall be entitled to be entered on the list of inspectors qualified to vote for representatives of public school inspectors, and to vote at any election of such representatives. (*See* 6 Edw. VII., c. 52, s. 11.)

Lists of electors.

16. Whenever a general election of representatives is to be held the Registrar shall, as soon as may be after the receipt of the respective lists of qualified electors, make up and complete and enter on separate registers an alphabetical list of the names with the post office addresses of all persons belonging to each class of electors (except the members of a University Senate), entitled to elect representatives. (*See* 6 Edw. VII., c. 52, s. 12.)

Lists of teachers.

17.—(1) On or before the first Wednesday of October in each year in which a general election is to be held every high school, public school and separate school inspector shall furnish to the Registrar a list of the names of all teachers in the schools in his inspectorate who are entitled to vote, with their post office addresses.

Lists of Inspectors.

(2) On or before the same date the Registrar shall prepare a list of the public school inspectors who are entitled to vote.

Vacancy in office of inspector or registrar.

(3) Where by reason of a vacancy in the office, illness, absence or any other cause, there is no inspector or registrar able to furnish a list of voters, the Minister may

require some competent person to furnish the same. (*See* 6 Edw. VII., c. 52, s. 13.)

Nominations of candidates.

18.—(1) No teacher or inspector shall be elected who has not been nominated in writing signed by at least six of the persons who are entitled to vote as members of the electing body to which such teacher or inspector belongs.

Nomination papers.

(2) Every nomination paper shall contain the name and post office address of each candidate nominated therein and the post office address of each person signing such nomination paper, and shall be delivered at the office of the Registrar before four o'clock in the afternoon of the first Wednesday of October in the year in which the election is to be held, but not earlier than two weeks before that day. and nomination papers received by the Registrar by post within that time shall be deemed to be duly delivered to him.

Invalid nomination papers.

(3) A nomination paper which does not comply with the provisions of this section shall be null and void. 6 Edw. VII., c. 52, s. 14.

Election by acclamation.

19. If the number of candidates nominated does not exceed the number of representatives to be elected, the person or persons so nominated shall be deemed to be elected and the Registrar shall forthwith report the result with the names and post office addresses of the persons so elected to the Minister. 6 Edw. VII., c. 52, s. 15.

Proceedings when vote to be taken.

20.—(1) Where a greater number of candidates are nominated than the number of representatives to be elected by any electing body, an election shall be held and the Registrar shall send by post on or before the third Wednesday of October in the year in which the election is to be held a voting paper, form "A," to each person qualified to vote at such election together with a list giving the names and post office addresses of all the candidates nominated.

Elector may vote once only for any candidate.

(2) Each person qualified to vote shall be entitled to as many votes as there are members to be elected to represent the electing body to which he belongs, but may not give more than one vote to any one candidate.

Damaged voting paper.

(3) If a voting paper is accidentally so damaged as to be unfit for use the person to whom it was sent by the Registrar may return it to him and obtain another to be used in its place, but no second voting paper shall be furnished to any elector unless the first one is returned so damaged. 6 Edw. VII., c. 52, s. 16.

Mode of election to the council.

21.—(1) The voting papers shall be delivered to the Registrar between ten o'clock in the forenoon and four

o'clock in the afternoon of any day between the third Wednesday of October and the first Wednesday of November, both days included, in any year in which an election is held; and any voting paper received by the Registrar by post within such dates before four o'clock in the afternoon of the last named day shall be deemed to be duly delivered to him.

Opening of ballot papers.

(2) Upon the Thursday next after the first Wednesday of November, at ten o'clock in the forenoon, the voting papers shall be opened by the Registrar with such assistance as the Minister may deem necessary in presence of the scrutineers to be appointed as hereinafter provided, who shall examine and count the votes and keep a record thereof in proper books to be provided by the Minister. Any candidate at the election may be present at the opening of the voting papers or be represented by not more than one agent appointed by him in writing. No voting paper which has not been furnished by the Registrar shall be counted.

Appointment of scrutineers.

(3) The Ontario Educational Association at its Easter meeting previous to the election, or in default, the President of the University of Toronto, shall appoint one person, and he and a person appointed by the Minister shall act as scrutineers at the election.

What votes to be counted.

(4) If an elector votes for more candidates than there are representatives to be elected by the electing body to which he belongs, his vote shall be invalid and shall not be counted.

Elector voting for persons not candidates.

(5) If an elector places upon his voting paper the name of any person who is not a qualified candidate, the vote in favour of any qualified candidate who is properly voted for shall not be invalidated, and such voting paper shall be acted upon as if the name of the person who was not qualified had not been inserted.

Declaration of results.

(6) Upon the completion of the counting of the votes and of the scrutiny, the Registrar shall declare elected as a member or members of the Council the candidate or the required number of candidates who have received the highest number of votes cast by the respective bodies of electors, and shall forthwith report the same in writing signed by himself and by the scrutineers, to the Minister.

Equality of votes.

(7) Where there is an equality of votes cast for two or more candidates which leaves the election of one or more members of the Council undecided, the scrutineers shall forthwith put into a ballot box a number of similar papers with the names of the candidates having such equality of votes written theron, one for each can-

didate, and the Registrar shall draw by chance from the ballot box in presence of the scrutineers one or more of the papers sufficient to make up the required number, and the person or persons whose name or names are upon the paper or papers so drawn shall be deemed to be elected. (*See* 6 Edw. VII., c. 52, s. 17.)

Date of University election.

22. The representative of each of the Universities mentioned in section 9 shall be elected on or before the first Wednesday in November of the year in which a general election is to be held, and notification of the names of the persons elected shall be sent forthwith to the Minister by the Registrar of each University. (*See* 6 Edw. VII., c. 52, s. 18.)

Default of election.

23.—(1) Where default is made in the election of the required number of representatives of any University or of any of the bodies authorized to elect representatives to the Council, at the time prescribed therefor, the Minister may fill the vacancy, but no person shall be appointed who is not a qualified member of the body which he is to represent.

Vacancies in University representation, how filled.

(2) Where the office of a representative of any University becomes vacant for any cause before the expiration of his term of office, the Senate of the University shall, as soom as may be convenient, elect another representative to fill the vacancy, and if the vacancy is not so filled within one month the Minister may appoint a member of the Senate of the University to fill the vacancy.

Vacancies in representation of teachers or inspectors, how filled.

(3) Where a member of the Council representing the public school inspectors or representing one of the bodies of teachers vacates his office from any cause before the expiration of his term of office, the candidate for such office who at the last preceding election had the highest number of votes next after the candidate or candidates elected, or if such candidate has already become a member or is unwilling or unable to accept the office or is the member vacating the office, the candidate at the last preceding election who received the second or next highest number of votes shall, if he is willing to accept the office, forthwith become a member in place and for the remainder of the unexpired term of the representative so vacating his office and as soon as convenient shall be notified by the Registrar that he has become a member of the Council.

Equality of votes in such cases.

(4) Where by reason of two or more of such candidates having received an equal number of votes, the question of filling a vacancy cannot be decided as provided by subsection 3; it shall be decided by chance in the manner provided by subsection 7 of section 21.

When vacancy may be filled by Minister.

(5) Where there is no such candidate to fill the vacancy or none willing to accept the office, or if for any reason a vacancy cannot be filled under any of the preceding provisions, the vacancy may be filled by the Minister by the appointment of a qualified member of the body to be represented. (*See* 6 Edw. VII., c. 52, s. 19.)

Election and term of office of representatives of trustees.

24.—(1) The members representing the school trustees shall be elected by the members of the trustee section of the Ontario Educational Association at an annual meeting thereof, and such election shall be conducted in all respects in such manner as the majority of the members of such section shall deem expedient.

(2) A vacancy occurring at any time in such representation may be filled at the next annual meeting of the Association. (*See* 6 Edw. VII., c. 52, s. 19.)

Vacating office.

25. A member of the Council who ceases to reside in Ontario or to possess the required qualification, or becomes insane, or is convicted of an indictable offence shall *ipso facto* vacate his office. 6 Edw. VII., c. 52, s. 21.

SEPARATE SCHOOLS.

Powers of Minister as to separate schools not affected.

26. Subject to the provisions of this Act every power, right and authority, now by law vested in or held, had or possessed by the Minister or by the Department of Education in respect to Roman Catholic Separate Schools or to any matter or thing pertaining to or affecting such Separate Schools, shall be vested in and held, had and possessed by the Minister. 6 Edw. VII., c. 52, s. 26.

REGULATIONS AND ORDERS IN COUNCIL.

Regulations and Orders in Council to be laid before the Legislative Assembly.

27.—(1) Every Regulation and every Order in Council made under the authority of this Act or of the Acts relating to Public Schools, Separate Schools or High Schools, shall be laid before the Assembly if the Legislature is in session at the date of such Regulation or Order in Council, forthwith, and if the Legislature is not then in session, within the first seven days of the session next after such Regulation or Order in Council was made.

Disapproval by Legislative Assembly.

(2) Where the Assembly at such session, or if the session does not continue for three weeks after the Regulation or Order in Council is laid before the Assembly, then at the next ensuing session, disapproves by resolution of such Regulation or Order in Council or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of the passing of such resolution. 6 Edw. VII., c. 52, s. 27.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

28.—(1) A teacher, trustee, inspector, or other person officially connected with the Department, or with any normal, model, public, or high school or collegiate institute, or other institution which is under the management or control of the Department, shall not sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly, compensation or other remuneration or the equivalent for so doing. 1 Edw. VII. c. 39, s. 121 (1); 6 Edw. VII. c. 53, s. 63.

Penalties for same.

(2) For any contravention of subsection 1 a teacher shall incur a penalty of $50; a trustee shall incur a penalty of $100; an inspector shall incur a penalty of $500; and any other person so officially connected shall incur a penalty of $100.

Penalty against business firm or agent.

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, inspector, or any other person officially connected with the Department or with any normal, model, public or high school or collegiate institute, or other institution which is under the management or control of the Minister, to sell or become or act as agent for or to promote in any way the sale of any school library, prize or text book, map, chart, school apparatus, furniture, stationery or other article for the use of any normal, model, public or high school, collegiate institute, or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, inspector or other person, compensation or remuneration, or the equivalent thereof for so doing, shall for every such offence incur a penalty of $500.

(4) Any gift or payment made to a teacher, trustee, inspector or other person so officially connected by any person, firm or corporation interested either as principal or agent in any such sale, shall be *prima facie* evidence of a violation of this section.

(5) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act.*

(6) The penalties recovered under this Act shall be applied to such school purposes as the Minister may direct.

REPEAL.

6 Edw. VII., c. 52 and amendments repealed

29. The Act passed in sixth year of His Majesty's reign, chaptered 52, and all amendments thereto are repealed.

SCHEDULE.

FORM "A."

(*Section 20 (1)*).

VOTING PAPER.

Advisory Council of Education.

Election, 19 .

I, . . . resident at , in the County of , do hereby declare:

(1) That the signature affixed hereunto is my proper handwriting;

(2) That I vote for the following person (*or* persons, *as the case may be*) as member (*or* members, *as the case may be*), of the Advisory Council of Education, viz.:

A.B., of , in the County of , etc.;

(3) That I have not signed any other voting paper;

(4) That this voting paper was execute on the day of the date hereof;

(5) That I vote in my right as Public School Inspector (*or* Public School Teacher, *or* Separate School Teacher, *or* High School Teacher, *as the case may be*);

(6) That my permanent professional certificate is dated and numbered .

Witness my hand this day of , 19 .

No. 200.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Department of Education.

First Reading, 22nd March, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 201 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

4 Edw. VII, c. 23, s. 10 amended.

Business assessment of wholesale merchants, Insurance Co., etc.

1. Clause (*c*) of subsection 1 of section 10 of *The Assessment Act* is amended by striking out the words and figures "75 per cent." and inserting in lieu thereof the words and figures "35 per cent."

No. 201.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 22nd March, 1909.

Mr. McEwing.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 202 **BILL.** 1909

An Act to amend and extend The Land Titles Act.

WHEREAS it is expedient that the benefit of the Torrens System of Land Transfer should be extended to the whole Province of Ontario;

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Land Titles Extension Act of 1909.*" Short title.

2. The interpretation clauses in Revised Statutes of Ontario, chap. 138, shall be incorporated into this Act and form part thereof, and in addition thereto, "The New System" means the Torrens System of Land Transfer as enacted by the *Land Titles Act* of R.S.O., chap. 138, and this Act. Interpretation.

"The Old System" means the present Registry System as enacted by *The Registry Act*, R.S.O., chap. 136. "Old system."

"Land Titles District" shall mean the registry division or registry divisions under the old system which may be set apart and assigned to any Deputy Master of Titles under the new system. Manitoba Act, "Land Titles District."

"Master of Titles" shall include "Deputy Masters of Titles." "Master of Titles."

"Registered Occupant" shall mean a person registered with a possessory title. "Registered occupant."

"Solicitor" shall mean any practising barrister or solicitor who has been certified to by the Law Society as entitled to practise as a barrister and solicitor. "Solicitor."

3. All the present registry offices of the Province shall be offices for the registration of titles under the new system

except in the City of Toronto or County of York where all business connected with the land titles will be conducted in the Master of Titles office.

4. There shall be appointed by the Lieutenant-Governor in Council Deputy Masters of Titles for each land titles district, who shall have jurisdiction over all the land titles in his "Land Titles District."

5. No person shall be appointed a Deputy Master of Titles unless he is a barrister or solicitor of the Province of Ontario.

6. The present registrars shall be styled "Recorders of Title" and after lands are brought under the Act shall perform such duties of a formal and non-judicial character as may be assigned to them by the Lieutenant-Governor in Council, who shall by rule or order from time to time define and settle their duties.

7. The Lieutenant-Governor in Council may from time to time appoint Examiners of Title who shall examine titles and report thereon to the Master of Titles. Such Examiners of Title shall be solicitors duly qualified and of not less than years standing.

8. The Lieutenant-Governor in Council may also appoint one or more Provincial Land Surveyors to do such work as may be required in connection with any Land Titles Office.

9. The Master of Titles at Toronto shall have supervision and jurisdiction over all the Deputy Masters of Titles, the Land Titles Districts and the offices connected with the new system.

10. The Lieutenant-Governor shall appoint a time and proclamation shall issue determining at what time all or any portion of the land of the Province of Ontario not now under *The Land Titles Act* shall be brought in and administered under the new system.

This Act shall come into operation at the time and date mentioned in the said proclamation, but any rules or orders and any appointment to any office may be made under this Act at any time after the passing thereof, but shall not take effect till after this Act comes into operation as aforesaid.

Imperial Act, sec. 20, p. 101.

11. After the coming into force of this Act (unless the purchaser by endorsement upon the conveyance signed by him otherwise requests) registration of title to land under this Act shall be compulsory on sale of an estate in fee

simple, and no person shall acquire the legal estate in any freehold land unless or until he is registered as proprietor of the land.

The title with which a proprietor of freehold land is registered in pursuance of this section shall be not less than a possessory title; but nothing in this section shall prevent any person from being registered with any other title if the Master of Titles is satisfied as to his title.

12.—(1) Any person having been registered as a registered occupant with a title less than an absolute title may at any time file in the Land Titles Office a certificate from a solicitor of the High Court of Justice in Form "A" or to the like effect, that he is the owner of an absolute title in such lands or otherwise as such certificate may declare and unless the Master of Titles or Deputy Master shall within three years take exception to such certificate, then the certificate of such solicitor shall be indisputable and after such three years the owner of the land shall be entitled to demand a certificate of absolute or other title in the terms of such certificate.

(2) Upon the filing of such certificate the Master or Deputy Master of Titles shall examine the title and shall be entitled to require from the person so filing such certificate the evidences of title upon which the said solicitor has founded his opinion including a registrar's abstract unless the same shall be waived by the said Master of Titles by reason of his having already had filed in his office a similar abstract or by reason of his being willing to verify a search made by a solicitor in the registry office.

(3) Such evidence of title shall be such as is commonly accepted among conveyancing solicitors, it being the intention that this Act shall be so construed and carried out as to facilitate, as much as possible, the obtaining of indefeasable titles by the owners of estates in land, through the simplest machinery, at the smallest expense, and in the shortest time, consistent with reasonable prudence in reference to the rights or claims of other persons. R.S.O. 1887, c. 113, s. 46.

13. Registration under the new system with a qualified title at least shall be compulsory before a conveyance or transfer can be made in the following cases:—

(*a*) Lands passing by will, or by descent upon an intestacy;

(*b*) Lands sold by sheriff under execution;

(*c*) Lands sold for taxes;

(*d*) Lands divided into lots and laid out on a plan.

14. A title to land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession.

Provided, however, that when any person would have acquired a title to land under the existing Statutes of Limitation but for the above provision in *The Land Titles Act* he may make an affidavit showing how he has acquired such title, and file the same with the Master of Titles together with a caution claiming title to the lands thereunder, and if it shall appear that the applicant would have acquired a title by possession but for the above provision, the Master or Deputy Master of Titles shall (after notifying all parties interested) allow such title and rectify the register accordingly.

The decision of the Master or Deputy Master shall be subject to appeal to the High Court in manner provided by *The Land Titles Act*.

15. An owner having a possessory title shall not be obliged to contribute to the assurance fund.

All certificates of possessory title shall have endorsed in red ink "Title not guaranteed by the assurance fund."

Imperial Act, page 76, sect. 95.

16. Subject to any estates or rights acquired by registration in pursuance of this Act, where any court of competent jurisdiction has decided that any person is entitled to any estate, right or interest in or to any registered land or charge and as a consequence of such decision such court is of opinion that a rectification of the register is required, such court may make an order directing the register to be rectified in such manner as it thinks just.

Imperial Act, page 76, sect. 96.

17. Subject to any estates or rights acquired by registration in pursuance of this Act, if any person is aggrieved by any entry made, or by the omission of any entry from the register under this Act or if default is made or unnecessary delay takes place in making any entry in the register any person aggrieved by such entry, omission, default or delay may apply to the court in the prescribed manner for an order that the register may be rectified and the court may either refuse such application, with or without costs to be paid by the applicant, or it may if satisfied of the justice of the case make an order for the rectification of the register.

Registry Act, sec. 160, L. T. A., sec. 162.

18. Deputy Masters of Titles shall be paid such fees as may accrue to them for work, and such additional remuneration as may be fixed by the Lieutenant-Governor in Council.

19. No person other than a solicitor shall be liable to his clients for work done by him as conveyancer, but every such solicitor shall continue to be liable as heretofore for his acts in that respect. Declaratory.

20. All statutory enactments inconsistent herewith are hereby repealed.

FORM A.

Certificate of Solicitor as to Title.

Lot 10, First Street, Town of Blank, according to Plan No. 1.

This is to certify that I have examined the title of John Smith to the above land and that he has a good title thereto in fee simple (*as the case may be*) subject to the following exceptions:—

1. Mortgage dated the day of , 1900, registered as Number , from John Smith to John Brown to secure $1,000.00.

2. Lease dated day of John Smith to John Williams.

3. Such liens, etc., as are declared by *The Land Titles Act*, not to be incumbrances.

The grounds of my opinion are founded on the following evidences of title:—

(1) Indenture dated day of , John Jones to John Smith.

2. Registrar's abstract or solicitor's abstract back to filing of Plan 1 which title down to the filing of the plan has been heretofore accepted by the Master of Titles.

FORM B.

(*Sec. 12.*)

Exceptions to Certificate of Title given by Solicitor to in respect of Lot 10, First Street in the Town of Blank, according to Plan 1B made by John Brown, P.L.S.

I, Master of Titles, hereby certify that I have investigated the title down to the filing of the above certificate on the day of , 1900, and take exceptions to the validity of the said title on the following grounds:—

1. The wife of John Roe, who conveyed by 860 to Richard Roe on the 10th day of January, 1850, does not appear to have barred dower. Explain.

2. Mechanics' Lien filed by John Davis against Richard Roe by 1080. Cloud on Title.

3. Oil lease dated 2nd June, 1866, John Roe to Boomer Oil Development Association for 10 years, nothing to show that this lease or rights thereunder have not been kept alive by occupation and payment of rent.

I hereby notify you that subject to such exceptions being cleared up the said certificate will be accepted.

.....

Master of Titles.

No. 202.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend and extend The Land Titles Act.

First Reading, 22nd March, 1909.

Mr. MAHAFFY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 203 **BILL.** 1909

An Act respecting Public Libraries and Art Schools.

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HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Public Libraries Act.*" R.S.O. 1897, c. 232, s. 1.

Interpretation.

2. In this Act,—

"Board."

(*a*) "Board" in Part I. shall mean a Public Library Board, in Part II. shall mean a Board of Management of a Public Library Association, and in Part III. shall include both;

"Electors."

(*b*) "Electors" shall mean persons qualified to vote at municipal elections;

"Minister."

(*c*) "Minister" shall mean Minister of Education;

"Regulations."

(*d*) "Regulations" shall mean regulations made under the authority of *The Department of Education Act.*

PART I.

Establishment of public libraries.

3. A public library may be established in any city, town, village, or police village, in manner hereinafter provided. R.S.O. 1897, c. 232, s. 2.

Petition for establishment of library.

4.—(1) The council of a city, town or village upon receipt of a petition, form 1, signed in the case of a city, by at least one hundred, in the case of a town by at least sixty and in the case of a village by at least thirty electors, shall prepare and submit to the electors in the manner provided by *The Consolidated Municipal Act, 1903*, a by-law, form 2, for the establishment of a public library.

3 Edw. VII, c. 19.

(2) The council of the township or the councils of the townships in which a police village is situate upon receipt of a petition, form 1, signed by at least thirty electors resident in such police village, shall prepare and submit to the electors within the police village a by-law, form 2, for the establishment of a public library therein.

Township by-laws for establishing libraries in police villages.

(3) Where an association has been established under Part II. or under any Act relating to Mechanics' Institutes and the members of such association at any annual meeting or at a special meeting called for the purpose by resolution declare that they desire that the library of the association be transferred to a board appointed under this Part, the council may submit to the electors a by-law for taking over the assets and property of the association and for establishing the library as a public library under this Part. R.S.O., 1897, c. 232, ss. 4-4*a*.

By-law may be submitted to electors for taking over property of Mechanics' Institutes association.

5. Where the by-law receives the assent of the majority of the electors voting thereon, it shall be the duty of the council to pass the same without unnecessary delay. R.S.O. 1897, c. 232, s. 6.

Council to pass by-law without delay.

6. Where the by-law does not receive such assent, no new by-law for the same purpose shall be submitted to the electors within the same year. R.S.O., 1897, c. 232, s. 7.

If defeated by electors, by-law not to be re-submitted in same year.

7.—(1) The general management, regulation and control of the library, and of any reading-room and museum established in connection therewith shall be vested in a board, which shall be composed of the mayor of the city or town, or the reeve of the village or township, and three other persons to be appointed by the council, three by the public school board, or the board of education of the municipality, and two by the separate school board, if any.

Appointment of board of management.

(2) The board in a police village shall be composed of the police trustees and two persons appointed by the board of the school section or each of the school sections comprised in, or forming part of the police village, and two persons appointed by the separate school board, if any, having jurisdiction in the police village.

Board in police village, how composed.

(3) No person who is a member of the body entitled to appoint shall be qualified to be a member of the board and no person shall be appointed who is not a British subject and a resident of the municipality or police village.

Members of appointing bodies not eligible.

(4) Of the members appointed by the council, and the public school board, or board of education and the separate school board, respectively, one shall retire annually, but may be reappointed.

Annual retirement of one member from each class.

Term of office of first members.

(5) Of the three members first appointed by the council and public school board, or board of education respectively, one shall be appointed to hold office until the first day of February after his appointment, one until the first day of February in the following year, and one until the same day in the year next thereafter; and of the two members first appointed by the separate school board, one shall be appointed to hold office until the first day of February after his appointment, and one until the first day of February in the following year; but every member shall continue to hold office until his successor is appointed.

When office or library trustee to become vacant.

(6) If a member of the board is convicted of any offence against the criminal laws of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the municipality or police village, he shall *ipso facto* vacate his seat, and the remaining members shall forthwith declare his seat vacant and notify the appointing body accordingly.

Vacancies.

(7) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the term for which he was appointed, the member appointed in his place shall hold office for the remainder of the term.

Terms of office of subsequent members.

(8) Subject to the foregoing provisions, each of the members appointed by the council, or public school board, or board of education, shall hold office for three years from the first day of February in the year in which he is appointed; and each of the members appointed by the separate school board, for two years from the first day of February in the year in which he is appointed.

When appointments to be made.

(9) The first appointment of members shall be made at the first meeting of the appointing body, after the final passing of the by-law, and the annual appointments thereafter shall be made at the first meeting of the appointing body, after the first day of January in each year; and any vacancy arising from any cause, other than the expiration of the time for which a member was appointed, shall be filled at the first meeting thereafter of the appointing body, but if for any reason an appointment is not made at the prescribed time, the same shall be made as soon as may be thereafter.

Corporate name.

(10) The board shall be a body corporate by the name of "The ——— Public Library Board," inserting the name of the municipality or police village.

Chairman.

(11) The board shall at the first meeting in February of each year elect one of its number as chairman, who shall hold office for one year, and he shall preside at meet-

ings of the board when present, and in his absence a chairman may be chosen *pro tempore*, and the chairman shall have the same right of voting as the other members of the board, and no other, and any question upon which there is an equality of votes shall be deemed to be negatived.

Meetings.

(12) The board shall meet at least once in every month, and at such other times as it may think fit.

Special meetings.

(13) The chairman or any two members may summon a special meeting of the board by giving at least two days' notice in writing to each member, specifying the purpose for which the meeting is called.

Quorum.

(14) No business shall be transacted at any general or special meeting unless four members are present.

Record of business.

(15) All orders and proceedings of the board shall be entered in books to be kept for that purpose, and shall be signed by the chairman.

Records as evidence.

(16) The orders and proceedings so entered and purporting to be so signed, shall be deemed to be the originals thereof, and such books may be produced and read as evidence of the orders and proceedings in any judicial proceeding. R.S.O. 1897, c. 232, s. 9; 61 Vic. c. 27, s. 2; 5 Edw. VII., c. 26, s. 1.

Duties of board.

8.—(1) Subject to the restrictions and provisions hereinafter contained, the board shall procure, erect, or rent the necessary buildings for the puposes of the library and reading-room, and for all other purposes authorized by this Act; and shall purchase books, newspapers, magazines, maps and specimens illustrative of the arts and sciences, for the library, reading-room and museum, and do all things necessary for keeping the same in a proper state of preservation and repair; and shall provide the necessary fuel, lighting, and other accommodation; and may appoint and dismiss at pleasure the officers and servants of the board.

Limit as to expenditure on capital account..

(2) A board shall not in any year purchase any land or erect any buildings or make any addition or alterations thereto exceeding in cost $2,000 without the authority of the municipal council.

Free reading-rooms, museums, evening classes.

(3) A board may open a reading-room or museum, or both, in connection with the library; may establish branch libraries and branch reading-rooms in the municipality or police village, and may also open evening classes for artisans, mechanics, workingmen and others, in such subjects as may promote a knowledge of the mechanical and manufacturing arts. R.S.O. 1897, c. 282, s. 10 (1-3).

Museums in cities of 100,000.

(4) In a city having a population of 100,000 or over, the board shall not establish a museum without the consent of the municipal council. R.S.O., 1897, c. 232, s. 3.

Powers, etc., of board of management with respect to evening classes.

(5) All the powers vested in, and all the duties imposed upon a board with respect to libraries, reading-rooms, and museums, shall apply to evening classes established under this Act, and the board shall have the same powers with respect to the appointment and dismissal of teachers or instructors as they possess with respect to other officers of the board.

Art schools.

(6) The board in a city may with the approval of the municipal council, establish an art school within the city, and may conduct the same, subject to the Regulations, so as to promote the study of art or the purposes for which it is established; and all the powers vested in, and all the duties imposed upon the board with respect to libraries, reading-rooms and museums shall be applicable to an art school so established. R.S.O. 1897, c. 232, s. 10 (4), (5).

Board may make by-laws respecting use of library.

9.—(1) The board may make rules for the use of the library, reading-rooms and museum, and for the admission of the public thereto, and for regulating all other matters and things connected with the management of the library, reading-rooms, museum, evening classes and art school, and for the management of all property under its control; and may impose penalties for breaches of the rules, not exceeding $10 for any offence.

Promulgation of regulations.

(2) After such rules have been published once a week for at least two weeks in a newspaper published in the municipality or police village, or in a newspaper circulated therein, if no newspaper is published therein, they shall be binding on all persons concerned.

Recovery of damages.

(3) Nothing herein shall preclude the recovery of the value of articles or things damaged, or the amount of damage sustained, from persons liable for the same. R.S.O. 1897, c. 232, s. 11.

Submission of estimates by board to council.

10. The board shall submit to the municipal council on or before the fifteenth day of February in each year a detailed estimate of the several sums required for the ensuing financial year to pay

(*a*) The interest on any money borrowed, as hereinafter mentioned, and

(*b*) The amount required to be raised for the sinking fund, or to pay any instalment of principal and interest, and

(*c*) The expense of maintaining and managing the libraries, reading-rooms, museums, evening classes and art schools under its control. R.S.O. 1897, c. 232, s. 12; 4 Edw. VII. c. 10, s. 54.

11. The board shall keep distinct and regular accounts of its receipts, payments, credits and liabilities, and the accounts shall be audited by the municipal auditors in like manner as the accounts of a municipality, and shall after having been audited be laid before the council by the board. R.S.O. 1897, c. 232, s. 13. Board to keep regular accounts.

12.—(1) The council of the municipality, in addition to all other rates and assessments levied and assessed for municipal purposes, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall not exceed one-half mill in the dollar unless by a vote of two-thirds of all the members of the council such rate is increased to an amount not exceeding in the whole three-fourths of a mill in the dollar. Special rate for library purposes.

(2) In a city having a population of 100,000 or over the council shall not levy in any year a rate greater than one-quarter of one mill in the dollar, and such further rate as may be necessary to raise the moneys required to pay the annual interest and sinking fund on moneys borrowed for the purpose of acquiring a site or of purchasing or erecting buildings. In cities of 100,000.

(3) The council of the township in which a police village in which a public library has been established under the provisions of this Part is situate, in addition to all other rates and assessments levied and assessed for municipal purposes in the police village, shall levy and assess in each year a special rate to be called "The Public Library Rate" sufficient to provide the amount estimated by the board, not exceeding one-half mill in the dollar on the assessment of the police village. Rates for public library in police village.

(4) Where a board requires the council to raise money for the purpose of acquiring a site or purchasing or erecting buildings, which money, together with the amount required for the expense of maintaining and managing the libraries, reading-rooms, museums, classes and art schools under its control would involve the levy in any one year of a rate greater than one-quarter of a mill in the dollar, in the case of a city having a population of 100,000 or over, or greater than one-half mill in the dollar in the case of any other municipality and of a police village, the council by a two-thirds vote of all the members thereof may refuse to raise such sum, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on by-laws for the creation of debts, in the manner provided by *The Consolidated Municipal Act, 1903*, and in the event of the assent of the Submission of by-laws for incurring debts for free libraries to electors. 3 Edw. VII. c. 19.

electors being obtained it shall be the duty of the council to raise the amount in the manner provided by that Act.

Public library debentures.

(5) The council may also, subject as hereinafter provided, on the requisition of the board, raise by a special issue of debentures of the municipality, to be termed "Public Library Debentures," such sums as may be required for the purpose of acquiring a site or of purchasing and erecting the necessary buildings, and in the first instance, for obtaining books and other things required.

Interest and sinking fund.

(6) During the currency of the debentures so issued, the council shall withhold and retain, as a first charge on the annual rate the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

Application of moneys raised on debentures.

(7) All money so levied or raised shall be received by the treasurer of the municipality in the same manner as other municipal funds, and be paid out by him on the orders of the board, save as to the amount required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon.

When by-law need not receive assent of electors.

(8) It shall not be necessary to submit to the electors a by-law authorizing the issue of debentures, if the annual sum required to be raised in the year to provide for the payment or redemption of the debentures and the interest thereon does not exceed one-half mill in the dollar.

Issue of debentures.

(9) Notwithstanding anything contained in this Act a municipal corporation may issue debentures for the purposes of this Act, according to the provisions of section 386 of *The Consolidated Municipal Act, 1903.*

3 Edw. VII, c. 19.

Submission of by-law to electors in cities of over 100,000.

(10) Notwithstanding anything in this section, the council of a city having a population of 100,000 or over may submit to the electors qualified to vote on by-laws for the creation of debts a by-law for raising money for acquiring a site or for purchasing or erecting buildings, and if so submitted the council shall not be required to pass such by-law until it has been approved of by a majority of such electors voting thereon. R.S.O., 1897, c. 232, s. 14; 61 Vic. c. 27, s. 3; 62 Vic. (2), c. 29, s. 3; 3 Edw. VII. c. 7, s. 41; 4 Edw. VII. c. 10, s. 55.

Admission to be free.

13. All libraries, reading-rooms and museums established under this Part shall be open to the public free of charge; provided, however, that the board may impose such fee as seems proper on non-residents who may desire to use the library, reading-room or museum. R.S.O. 1897, c. 232, s. 15; 4 Edw. VII. c. 10, s. 56.

Use of library by non-residents.

Municipalities may unite.

14. Any municipality contiguous to a city, town, village or township, in which a public library is situate may enter into an agreement with the board for the use of such library and for such representation on the board as may be deemed expedient. R.S.O. 1897, c. 232, s. 19.

Teachers' institutes may unite.

15. The teachers' institute of any inspectorate in which a public library is situate may place the books held by such institute in the custody of the board, and on so doing shall be entitled to appoint one member of the board; and in such cases every member of such teachers' institute shall be entitled to use the public library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1897, c. 232, s. 20.

Farmers' institutes may unite.

16. Every farmers' institute or womans' institute established within the electoral district in which a public library is situate may affiliate with such public library on terms to be agreed upon with the board, and in the event of such affiliation every member of such farmers' institute or womans' institute shall be entitled to use the library on the same terms as residents of the municipality in which the library is situate. R.S.O. 1897, c. 232, s. 21.

Part II.

Ten persons may incorporate for purpose of establishing a public library.

17.—(1) In a township, and in any other municipality in which a public library has not been established under Part I, any number of persons not less than ten, being British subjects and not less than 21 years of age, may form an association for the purpose of establishing a public library, reading rooms and evening classes by making a declaration, Form 3, and filing the same with an affidavit of the due execution thereof in the office of the Registrar of Deeds for the registration division in which the public library is to be situate.

(2) For the filing of the declaration and for every certified copy the registrar shall be entitled to a fee of fifty cents.

(3) A copy of such declaration shall be transmitted to the Minister.

(4) The persons whose names are subscribed to the declaration and all persons who become members of the association as provided by section 18, shall be a body corporate by the name of "The—— Public Library Association," inserting the name of the municipality in which the library is to be established. R.S.O. 1897, c. 232, s. 23 (1) (*part*).

Members.

18. Any person 12 years of age or upwards may be a member of the association, but no person shall be elected or vote at any meeting who is not of the full age of twenty-one years. R.S.O. 1897, c. 232, ss. 24 and 27 (*part*).

Board of Management.

19.—(1) The general management, regulation and control of the library shall be vested in and exercised by a Board of Management, which shall be composed of not less than five nor more than nine persons.

(2) The persons whose names are subscribed to the declaration of incorporation shall meet within thirty days after the filing thereof and shall elect from among their number the members of the board.

(3) The members so elected shall hold office until their successors are elected.

(4) On the 2nd Monday in January in each year thereafter the members of the association shall meet and elect the members of the board for the year.

(5) The board shall, as soon after the election as is convenient elect one of its members as president, and shall also appoint a secretary, treasurer, and librarian and such other officers as may be necessary for the purposes of the association. R.S.O. 1897, c. 232, ss. 23 (*part*) and 25.

Board shall provide library buildings.

20.—(1) The board shall provide suitable accommodation for the library, reading-rooms and evening classes, and shall have power to procure, erect or rent buildings for that purpose, and to purchase books, magazines, newspapers and other reading matter for the library and reading-rooms.

(2) The board shall make rules for the management and use of the library and reading-rooms and for conducting the business of the board, for holding regular and special meetings, for defining the duties of the officers of the board, and the fees to be paid by members, and generally for such other matters, not inconsistent with this Act, as may be necessary for promoting the usefulness of the public library and reading-rooms and the efficiency and discipline of the evening classes.

(3) Minutes of all the proceedings of the board shall be kept and entered in books to be provided for that purpose by the board. R.S.O. 1897, c. 232, s. 26.

Dissolution of association on taking over library under Part I.

21. Where a municipal council has passed a by-law for taking over the assets and property of a library association and for establishing the library as a public library under Part I, upon the organization of a board of

management under that Part, the association shall be dissolved and thereafter Part I of the Act shall apply to the library, and the assets and property of the association shall vest in the Public Library Board.. (*New*).

Part III.

General Provisions.

Conditions precedent to sharing in legislative grant.

22. No public library established under Part II. which has not a membership of at least fifty persons over 21 years of age, shall be entitled to share in any appropriation for public libraries. R.S.O. 1897, c. 232, s. 27.

Legislative grant to public libraries.

23.—(1) Subject to the next preceding section and to the Regulations, there shall be paid to the board of every public library established under this Act, out of any money appropriated for that purpose, not more than 50 per cent. of the expenditure made for books, magazines, periodicals, newspapers, bookbinding and materials used for cataloguing and classifying a public library under the Dewey, Decimal or Cutter systems or a combination of such systems, but no grant shall be paid upon an expenditure upon books of fiction in excess of 45 per cent. of the amount expended upon other books, and no grant shall exceed in respect of books, bookbinding and materials for so cataloguing and classifying $200 or in respect of magazines, periodicals and newspapers $50.

(2) After the money payable under subsection 1 has been apportioned, the Minister may authorize the payment out of the residue, if any, of the appropriation of the following sums, or a proportionate part of the same.

(*a*) $5 to a public library which has kept a reading room open not less than three hours per day for three days in each week; or

(*b*) $10 to a public library which has kept a reading room open not less than 3 hours per day for six days in each week; and

(*c*) $5 to a public library whose total receipts are less than $25 per annum; or

(*d*) $10 to a public library whose total receipts are over $25 and less than $100; or

(*e*) $15 to a public library whose total receipts are over $100 and less than $200; or

(*f*) $20 to a public library whose total receipts are over $200 and less than $500.

(3) The Minister may authorize to be paid out of any money appropriated for public libraries,

(*a*) Salaries and expenses of officers of the Department employed in giving special instructions to boards and to librarians including the cost of books, blue prints, plans of library buildings, manuscripts, engravings and photographs and of other appliances or things authorized by the Minister, and

(*b*) Expenses incurred in holding meetings of library institutes.

(4) In estimating the amount to which a public library is entitled only cash payments out of moneys received by way of grant or gift or as membership fees shall be included, and no public library shall be entitled to any grant under this section by reason of the expenditure of money borrowed by the board or by reason of payments made in promissory notes or in any other way than by cash only.

(5) Subject to the Regulations the Minister may apportion any money appropriated for holding schools for the training of librarians.

Travelling libraries.

24. Subject to the Regulations the Minister may establish and maintain travelling libraries out of such sums as may be appropriated for that purpose and may purchase books, bookcases and other appliances required therefor and may pay for cataloguing, classifying and annotating lists of books and may employ and pay assistants to aid in circulating the libraries and pay the travelling expenses of the assistants.

Regulations fixing age limit for children taking books.

25.—(1) Where a board makes a rule under which an age limit is established for children taking books from the library or a rule prohibiting the public (in the case of a free library) or the members of the association (in the case of any other library) from having free access to the books of the library or of a section of the library, the rule shall not take effect until it has been approved by the Minister.

(2) If any such rule is in force at the time of the passing of this Act the board shall within three months of the date of the receipt of a request from the Minister forward to him a copy of such rule and the Minister may disallow the same.

(3) Failure to comply with the request of the Minister shall render such rule void.

26.—(1) Subject to the Regulations, the Minister may Library institutes.

(*a*) Provide for the establishment of library institutes and for the holding of the meetings thereof;

(*b*) Employ library experts to attend library institute meetings and pay their travelling and other necessary expenses in going to, staying at and returning from the meetings, but nothing shall be paid to them for services;

(*c*) Pay the travelling and other necessary expenses of one delegate from each board in attending a meeting of the institute.

(2) If a board, after having received notice of the date for holding a meeting of the library institute does not send a delegate to such meeting the Minister may withhold a sum not exceeding $5 from the next government grant payable to the board.

(3) All expenses incurred in establishing and maintaining library institutes may be paid out of any money appropriated for that purpose or out of any money appropriated for public libraries.

27. Subject to the Regulations, every incorporated art school shall be entitled to receive out of any money appropriated for art schools a sum not exceeding $400 annually, and such further sum on the basis of attendance and efficiency as may be determined by the Minister. R.S.O., 1897, c. 232, s. 29. Art schools.

28. The Judge of the County or District Court, upon the request of the board of any public library within his jurisdiction, may appoint the janitor to be a special constable, whose special duty it shall be to preserve the peace in the rooms of the library and in the building in which the library is situate, and to prevent the stealing, injuring or destroying of the property of the board or association, and to apprehend offenders, and he shall have generally all the powers and privileges and be liable to all the duties and responsibilities which pertain to the office of a constable. R.S.O., 1897, c. 232, s. 32. Janitor may be appointed special constable.

29.—(1) Where a board fails or neglects to keep open the library for two years, or to furnish an annual report, as required by the Regulations, for two consecutive years, such failure or neglect shall effect a dissolution of the corporation, and the Minister may take possession of all its books, magazines and periodicals, and dispose of the same as he may deem proper, but nothing herein contained shall confer any authority or control over any land belonging to a board or library association. Neglect to keep library open.

Failure to comply with regulations.

(2) Where a board in any year fails to comply with the Regulations the Minister may withhold the whole or any part of the government grant payable to the board for that year.

Seat vacated by interest in contract with corporation.

30.—(1) A member of a board shall not enter into any contract, agreement, engagement or promise, either in his own name, or in the name of another, and either alone or jointly with another in which he has any pecuniary interest, profit or promised or expected benefit, with the board of which he is a member, or have any pecuniary claim upon or receive compensation from the board for any work, engagement, employment or duty, on behalf of the board, and every such contract, agreement, engagement or promise shall be null and void, and a member violating the provisions of this section shall *ipso facto* vacate his seat.

(2) On the complaint of any ratepayer of the municipality or police village or of the remaining member or members of the board, the Judge of the County or District Court or if he is a member of the board, the Master in Chambers shall, on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. R.S.O. 1897, c. 232, s. 33; 62 Vic. (2), c. 29, s. 2.

Newspaper proprietors inserting official advertisements not disqualified from sitting on boards, etc.

31. No person shall be disqualified from being a member of a board, or from sitting and voting on such board by reason only of being proprietor of or otherwise interested in a newspaper or other periodical publication which is subscribed for or in which an advertisement is inserted by the board in the regular course of business, if such subscription or advertisement is paid for at the usual rate, but such member shall not be entitled to vote where his own account is in question. (*See* 1 Edw. VII. c. 39, s. 106; 6 Edw. VII. c. 53, s. 59.)

Penalty for disturbing a public library.

32. Any person who wilfully interrupts, or disquiets a public library, reading-room, museum, art school or any class in connection therewith, by rude or indecent behaviour, or by making a noise either within the building or so near thereto as to disturb the persons using the same, shall, for each offence incur a penalty not exceeding $20. R.S.O. 1897, c. 232, s. 34.

33. The penalties imposed by or under the authority of this Act shall be recovered under *The Ontario Summary Convictions Act* and shall be paid to the board concerned.

Agreements continued.

34. Every public library heretofore established or continued under any Act respecting public libraries is continued, and shall be subject to the provisions of this Act. R.S.O. 1897, c. 232, s. 36.

35. Chapter 232 of the Revised Statutes of Ontario, 1897, except section 37, and all amendments to the said Act are repealed. Repeal.

SCHEDULE.

FORM 1.

(*Section 4.*)

PETITION.

To the municipal council of

We, the undersigned electors of the said city ot (*or as the case may be*), respectively, pray that a public library may be established in this municipality under *The Public Libraries Act*. R.S.O. 1897, c. 232, Sched. Form A.

FORM 2.

(*Section 4.*)

BY-LAW FOR ESTABLISHING A PUBLIC LIBRARY.

A by-law to provide for the establishment of a public library in the city of (*or as the case may be*).

Whereas electors have petitioned the council of the said city of (*or as the case may be*), praying for the establishment of a public library under *The Public Libraries Act*.

Be it therefore enacted by the said municipal council that,—

1. In case the assent of the electors is given to this by-law, a public library be established in this municipality in accordance with the provisions of *The Public Libraries Act*.

And be it further enacted that the votes of the electors be taken

2. The votes of the electors shall be taken on this by-law on the day of 19 , commencing at nine o'clock in the forenoon and continuing until five o'clock in the afternoon, at the undermentioned places: (*Here insert* (1) *the wards;* (2) *the polling sub-divisions;* (3) *the places for holding the poll and the names of the deputy returning officers.*

3. On the day of next, at his office in the at o'clock in the noon, the mayor (*or* reeve, *or as the case may be*), shall appoint in writing, signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons desirous of promoting, and a like number on behalf of the persons desirous of opposing the passing of this by-law.

4. The clerk shall attend at the at the hour of o'clock in the noon, on the day of 19 , to sum up the number of votes given respectively for or against the by-law.

A. B.,
Mayor (*or* Reeve).
C. D.
Clerk.

Passed the day of 19 .

Notice by Clerk.

The above is a true copy of a proposed by-law which will be taken into consideration by the council of after one month from the day of 19 , being the date of the first publication thereof, and the polls for taking the votes of the electors will be held at the hour, day and places named in the by-law. R.S.O. 1897, c. 232, Sched. Form B.

FORM 3.

(*Section 17.*)

DECLARATION FOR ESTABLISHMENT OF A PUBLIC LIBRARY ASSOCIATION.

We, the subscribers hereto, hereby declare our intention to form an association for the purpose of establishing a public library at in the township of (*or, as the case may be*), and we further declare that the name of the association shall be the Public Library Association, as provided by *The Public Libraries Act*.

Dated the day of 19 .

(*Names and descriptions of the applicants.*)

R.S.O. 1897, c. 232, Sched. Form E.

No. 203.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Public Libraries and Art Schools.

First Reading, 23rd March, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 204 1909

BILL.

An Act respecting Fire-arms and Ammunition.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Fire-arms, etc., not to be taken in pledge.

1. No pawnbroker, or second-hand dealer, licensed or unlicensed, shall receive in pledge, or in any way advance any money upon, the security of any gun, revolver, pistol or other fire-arms, or any air-gun, or any ammunition, or display or advertise for sale or disposition, in any way, any gun, revolver, pistol or other fire-arm, or air-guns, or any ammunition.

Fire-arms not to be sold to persons under 18 years.

2. No person, firm or corporation, shall sell, or otherwise dipose of, any gun, revolver, pistol, or other fire-arm or air-gun, or any ammunition, to any person under the age of 18 years.

"Ammunition," meaning of.

3. "Ammunition" shall include cartridges, bullets, shot, gunpowder, nitro-glycerine, dynamite, gun-cotton, and every other explosive substance whether filled for use or otherwise.

Sales to be recorded.

4. No person, firm or corporation, shall sell or otherwise dispose of any gun, revolver, pistol or other fire-arm or air-gun unless on the sale or disposition of any such article, the person actually selling or disposing of the same shall, before delivery, make an entry in writing in a book to be kept for that purpose, (which book shall, at all reasonable times, be open for inspection, upon request, free of charge, by any peace officer) with a true and correct statement of the date of the sale or disposition, the name and address of the purchaser or person receiving the said article, and the name and description, with such letters, figures or marks on the article sold or disposed of, sufficient to identify the same afterwards, to which entry the signature of the purchaser or person receiving the said article shall be affixed;

Proviso.

provided that if the person selling or disposing of any such article is not a dealer in such articles with an established place of business for traffic therein, then instead of the entry in reference to the sale or disposition of such article being made in a book, as above provided, such entry shall be in the form of a receipt which shall contain the same information as if entered in a book as aforesaid and such receipt shall be deposited by the person, firm or corporation so selling or disposing of the said article with the clerk of the municipality, in which such article is sold or disposed of within one week from the date of sale or disposition of such article, and such receipt shall, at all reasonable times, be open for inspection, upon request, free of charge, by any peace officer and shall be filed and thereafter carefully preserved, as a municipal record, by such clerk.

Penalty.

5. Any person transgressing any provision of this Act or whose clerk or agent transgresses any provision of this Act, shall, for the first offence, incur a penalty of $20 and costs of prosecution, and for each offence committed subsequent to such conviction, a penalty of $50 and costs of prosecution, to be recovered in a summary manner, before one or more Justices of the Peace, or a Police Magistrate, under *The Ontario Summary Convictions Act*, on the oath of one of more credible witnesses, one moiety to belong to the prosecutor, and the other to be paid to the Treasurer of the Municipality, in which the offence is committed.

Onus of proof.

6. In any prosecution for an alleged transgression of any provision of this Act, the burden of proving that the provision or provisions of this Act, alleged to have been transgressed, has or have been complied with, shall be upon the person, firm or corporation so charged.

Commencement of Act.

7. Unless otherwise provided by order of the Lieutenant-Governor in Council, this Act shall come into effect on the first day of July, 1909.

No. 204.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Fire-arms and Ammunition.

First Reading, 23rd March, 1909.

Mr. McPherson.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 205 **BILL.** 1909

An Act to amend The Act Respecting Agricultural Societies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as "*The Agricultural Societies Amendment Act of 1909.*"

6 Edw. VII., c. 16, s. 7 amended.

2. Subsection (*g*) of section 7 of *The Agricultural Societies Act* is amended by adding thereto the following:

Minister may elect six directors.

(iv.) Upon the recommendation of the Superintendent of Agricultural Societies, the Minister may authorize any society to elect six directors in addition to those already provided for.

6 Edw. VII., c. 16, s. 21 amended.

3. Subsection (*d*) of section 21 of *The Agricultural Societies Act* is amended by striking out all the words after "600 members."

Warren Agricultural Society declared to be a Society under the Act.

4. Notwithstanding anything contained in *The Agricultural Societies Act*, the society known as the Warren Agricultural Society is hereby declared to be a society under the said Act, and to have all the rights and privileges enjoyed by an agricultural society under the said Act.

East Middlesex Agricultural Society to be entitled to grant.

5. Notwithstanding anything contained in this Act, the society known as the East Middlesex Agricultural Society shall be entitled to receive a grant of one dollar for every paid up member of the said Society on or before the first day of July, who is resident in the County of Middlesex and who is actually engaged in the business of farming, provided, however, that the grant so paid shall not exceed one hundred dollars.

Schedule B. to the Act amended.

6. Schedule B. to *The Agricultural Societies Act* is struck out and the following is put in place of the same:—

SCHEDULE "B."

(*Section 19.*)

AFFIDAVIT REQUIRED BY ACT RESPECTING AGRICULTURAL SOCIETIES, R. S. O. 1909.

Affidavit as to Membership and Payments for Agricultural Purposes.

County of }
To Wit: }

I, , of , treasurer of the Agricultural Society, make oath and say that during the year ending 31st day of December, 19 , the said Agricultural Society expended the sum of dollars, solely for agricultural purposes, in accordance with the Act, as set forth in the audited financial statement of the Society, and that no prizes for trials of speed, races or special attractions, and no prize money other than cash is included in the above amount, and that the number of members of the said Society for 19 is .

Treasurer.

Sworn before me this }
day of , 19 . }

Justice of the Peace for the County of
or a Commissioner in H. C. J.

EXPENDITURE FOR AGRICULTURAL PURPOSES.

	$	c.
Prizes paid, Horses, $ Cattle, $ Sheep, $ (Prizes for horses not to include trials of speed, or horse races)	.....	....
Prizes paid, Pigs, $ Poultry, $ Dairy Products, $	.....	....
" " Grain and Seeds, $	.....	....
" " Roots and other hoed crops, $	.....	....
" " Orchard and Garden products.....	.....	....
" " Implements and General Manufactures.....	.....	....
" " Fine Arts, $ Ladies' Work, $	.....	....
" " All other objects on Exhibition.....	.....	....
Money paid for prizes awarded in previous years...	.....	....
" " " " " at Plowing Match.....	.....	....
" " " " " for Field Crop Competition..	.....	....
(Contributed by Society)		
Meetings or Lectures for discussion of Agricultural Subjects..	.....	....
Agricultural Periodicals.....	.....	....
Purchase of Live Stock, $	.....	....
Purchase of Seed and Plants, $	.....	....
Keep of Stock, $	.....	....
Expenses of Delegates to Fairs and Exhibitions' Convention.	.....	....
Total Cash Expenditure for Agricultural Purposes...	.....	....

No. 205.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act Respecting Agricultural Societies.

First Reading, 24th March, 1909.

MR. DUFF.

TORONTO
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 206 **BILL.** 1909

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10*a* of *The Assessment Act* as enacted by section 1 of the Act passed in the 7th year of His Majesty's reign, Chaptered 41, is amended by striking out all the words after the word "assessed" in the 12th line of the said section, and substituting the following therefor: "in each township or local municipality for one-half the amount assessable against such person, corporation or company in both the townships or other local municipalities taken together."

4 Edw. VII., c. 23, s. 10*a*, amended. Assessment of pipes, poles, wires, etc., on boundary lines.

No. 206.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Assessment Act.

First Reading, 24th March, 1909.

Mr. EILBER.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 207 **BILL.** 1909

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 248, sec. 56 amended.

1. Section 56 of *The Public Health Act* is amended by striking out the word "may" where it occurs after the word "councils" and substituting the word "shall" therefor.

Sec. 69 amended.

2. Section 69 of the said Act is amended by adding the following subsection thereto:—

In case the informant is dissatisfied with the action of the Local Board of Health he may apply to Provincial Board.

(69*a*) "Wherever such information is given to the Local Board of Health and the person who has given such information is dissatisfied with the action or inaction of the Local Board of Health he may give such information to the Provincial Board of Health, who shall in every such case perform the same duties and be clothed with all powers and authorities for the purposes of each such case and subject to the same conditions as are imposed upon or conferred upon the Local Board of Health by sections 68 and 69 of the said Act."

Secs. 87, 88, 91, 94 and 95 amended.

3. Sections 87, 88, 91, 94 and 95 of the said Act are amended by striking out the words "attending physician" wherever they appear in such sections.

Sec. 103 amended.

4. Section 103 of the said Act is amended by striking out the words "legally qualified practitioner" where they occur in such section.

Sec. 86 amended.

5. Section 86 of the said Act is amended by striking out the words "the smallpox, diphtheria, scarlet fever, cholera or typhoid fever" and substituting the words "any infectious or contagious disease" therefor.

Sec. 89 amended.

6. Section 89 of the said Act is amended by striking out the words "is infected with smallpox, scarlet fever, diphtheria, typhoid fever or cholera" and substituting therefor the words "has any infectious or contagious disease."

Sec. 90 amended.

7. Section 90 of the said Act is amended by striking out the words "the smallpox, scarlet fever, diphtheria, cholera or any other" and substituting therefor the words "any infectious or."

Sec. 91 amended.

8. Section 91 of the said Act is amended by striking out the words "smallpox, scarlet fever, diphtheria or cholera" and substituting therefor the words "any infectious or contagious disease."

Sec. 92 amended.

9. Section 92 of the said Act is amended by striking out the words "the smallpox, diphtheria, scarlet fever, cholera or typhoid fever" and substituting therefor the words "any infectious or contagious disease."

Sec. 103 amended.

10. Section 103 of the said Act is amended by striking out the words "smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders or other contagious disease" and substituting therefor the words "of any infectious or contagious disease."

No. 207.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Public Health Act.

First Reading, 24th March, 1909.

Mr. WILSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 207 **BILL.** 1909

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 13 of *The Public Health Act* is amended by striking out the words "Whenever this Province or any part thereof or place therein appears to be threatened with any formidable epidemic, endemic, or contagious disease, in man or animals." Rev. Stat. c. 248, s. 13 amended.

2. Section 57 of the said Act is repealed and the following substituted therefor:

57. The treasurer of the municipality shall forthwith, upon demand, pay out of any moneys of the municipality in his hands the amount of any account for services performed under the direction of the board by virtue of this Act after a resolution of such board approving of the account and certified by the chairman and secretary thereof has been filed in the office of the treasurer of the municipality.

3. Sections 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 96, and subsections 1, 2, 3 of section 103 of the said Act are amended by striking out the words "the smallpox, diphtheria, scarlet fever, cholera and typhoid fever" wherever they appear in such sections and subsections, and substituting therefor the words, "such infectious or contagious diseases as may be designated from time to time by the Provincial Board of Health." Secs. 85 to 94, 96 and subs. 1, 2 and 3 of sec. 103 amended.

4. Section 103 of the said Act is amended by striking out the words "smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders or other contagious disease" wherever they occur in the said sec- Sec. 103 amended.

tion and substituting therefor the words "*such* infectious or contagious diseases as may be designated from time to time by the Provincial Board of Health.

5. Section 103 of the said Act is further amended by adding the following subsection:

(2*a*) No child having suffered from such disease shall be allowed to attend school within the minimum time thereafter prescribed by the Provincial Board of Health respecting such diseases.

6. All the Schedules to *The Public Health Act* are hereby amended to accord with the provisions of this Act.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Public Health Act.

First Reading, 24th March, 1909.
Second Reading, 1st April, 1909.

(Reprinted as amended by Municipal Committee.)

Mr. WILSON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 208 1909

BILL.

An Act to amend The Division Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 72 of *The Division Courts Act*, is repealed and the following subsection substituted therefor:— Rev. Stat. c. 60, s. 72, subs. 1, amended.

(1) Division Courts shall have jurisdiction in the following cases:— Jurisdiction extended.

(*a*) Of claims for the recovery of a debt or money demand, the amount or balance of which does not exceed two hundred dollars; where the amount or original amount of the claim is ascertained by the signature of the defendant or of the person whom as executor or administrator or assignee the defendant represents. The interest accumulated on any claim of this class since the amount or balance was so ascertained by the signature of the defendant or of the person whom he represents shall not be included in determining the question of jurisdiction, but interest so accumulated may be recovered in a Division Court in addition to the claim notwithstanding the interest and the amount of the claim so ascertained together exceed the sum of two hundred dollars.

(*b*) Subject to the provisions of section 71 in all other personal actions, claims and demands of debt, account, or breach of contract or covenant or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed one hundred dollars.

Jurisdiction extended in claims against absconding debtors.

2. Subsection 2 of section 72 of the said Act is amended by striking out the letter "(*d*)" in the first line thereof and substituting therefor the letter "(*a*)."

Sec. 72, subs. 3 amended.

3. Subsection 3 of said section 72 is repealed and the following substituted therefor:—

Combining causes of action.

"Claims combining a cause or causes of action, in respect of which the said Courts have jurisdiction by virtue of clauses (*a*) and (*b*) of subsection 1 hereof, may be tried and disposed of in one action and the said Courts shall have jurisdiction so to try the same; provided that the whole amount claimed in any such action in respect of causes of action covered by clause (*b*) shall not exceed one hundred dollars and that the whole amount claimed in respect of the causes of action covered by clauses (*a*) and (*b*) shall not exceed two hundred dollars and that in any such last mentioned class of action the whole amount claimed in respect of causes of action covered by clause (*b*) shall not exceed one hundred dollars."

Sec. 72, subs. 5 amended. Jurisdiction in actions of replevin extended.

4. Subsection 5 of section 72 of the said Act is amended by striking out the figures "60" where they appear in the first line of the said subsection and substituting therefor the figures "100."

Sec. 154, subs. 1 amended. Jurisdiction of High Court in appeals extended.

5. Subsection 1 of section 154 of the said Act is amended by striking out the figures "100" in the third line of the said subsection and substituting therefor the figures "75."

Sec. 154, subs. 2 amended. Appeals in interpleader proceedings extended.

6. Subsection 2 of section 154 of the said Act is amended by striking out all the words in the said subsection after the word "thereof" in the sixth line and substituting therefor the following:—

"Or where the damages claimed by or awarded to either party against the other or against the Bailiff, exceed the sum of seventy-five dollars."

Sec. 155 amended. Jurisdiction in appeals respecting assessments made by mutual insurance companies extended.

7. Section 155 of the said Act is amended by striking out the figures "100" where they appear in the fifth line thereof and substituting therefor the figures "75."

No. 208.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Division Courts Act.

First Reading, 25th March, 1909.

Mr. MacKay
(Grey).

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 209 **BILL.** 1909

An Act to amend The Liquor License Act.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Liquor License Act* is amended by striking out the words "cease to hold office on" in the sixth and seventh lines and inserting instead thereof the words "hold office until and inclusive of," and by striking out the word "be" in the eighth line and inserting in lieu thereof the words "any such commissioner." Rev. Stat., c. 245, s. 3 amended.

2. Section 7 of *The Liquor License Act* is amended by striking out the words "in the districts into which the said city is divided" in the sixth line. Rev. Stat., c. 245, s. 7 amended.

3. Subsection 13 of section 11 of *The Liquor License Act* is amended by striking out the words "any such petition" in the first and second lines and substituting therefor the words "the petition mentioned in subsection 1," and by striking out all the words in the said subsection after the word "Inspector" in the last line and inserting in lieu thereof the words "to the applicant and to at least one of the petitioners or to an agent of one of the petitioners opposing the granting of the license." Rev. Stat., c. 245, s. 11, subs. 13 amended.

4. Subsection 4 of the section 18 of *The Liquor License Act* is amended by striking out all the words therein after the word "number" in the second line. Rev. Stat., c. 245, s. 18, subs. 4 amended.

5. Section 21 of *The Liquor License Act* is amended by striking out the words therein after the word "year" in the 18th line down to and including the word "and" in the 23rd line. Rev. Stat., c. 245, s. 21 amended.

Rev. Stat., c. 245, s. 30 repealed

6. Section 30 of *The Liquor License Act* is repealed and the following substituted therefor:—

Licenses not to be issued where accommodation not provided.

Exception as to certain railway restaurants.

30. No tavern license shall be issued to any saloon, tavern or other premises not having all the tavern accommodation required by law, but this shall not apply to an eating-house at or in a railway station for which a license was granted before the 13th day of April, 1897, and which has since the said date continued to be duly licensed, and such license may hereafter in the discretion of the Commissioners be issued without there being the hotel accommodation required by law.

Rev. Stat., c. 245, s. 37, subs. 3 amended.

7. Subsection 3 of section 37 of *The Liquor License Act* is amended by adding after the word "may" in the fourth line the words "subject to the regulations of the License Branch."

Rev. Stat., c. 245, s. 56, subs. 1 amended.

8. Subsection 1 of section 56 of *The Liquor License Act* as enacted by section 13 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47 is amended by striking out the words "or town" in the first and second lines and inserting instead thereof the words "town or village."

Rev. Stat., c. 245, s. 58 repealed.

9. Section 58 of *The Liquor License Act* is repealed.

Rev. Stat., c. 245, s. 59, subs. 2 amended.

10. Subsection 2 of section 59 of *The Liquor License Act* is amended by striking out the words "the provisions of section 54" and inserting instead thereof the words "any of the provisions of this Act."

Rev. Stat., c. 255, s. 61 amended.

11. Section 61 of *The Liquor License Act* is amended by striking out the words "in writing" in the sixth line.

Rev. Stat., c. 245, s. 72 amended.

12. Section 72 of *The Liquor License Act* is amended by striking out the figures "$50" in the 5th line and inserting the figures "$100" in lieu thereof, and by striking out the figures "$100" in the 2nd line and inserting the figures "$200" in lieu thereof and by striking out all the words therein after the word "magistrate" in the 10th line down to and including the word "month" in the 16th line and substituting therefor the following: "and for a second or any subsequent offence such person shall upon conviction be imprisoned for a period of six months."

Rev. Stat., c. 245, s. 74 amended.

13. Section 74 of *The Liquor License Act* is amended by striking out the words "or Justice of the Peace" in the first line.

6 Edw. VII., c. 47, s. 25 amended.

14. Section 25 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47 is amended by striking out

the words "Justice of the Peace" wherever the same occurs in the said section.

15. Section 75 is amended by adding thereto the following subsection: Rev. Stat., c. 245, s. 75 amended.

(2) Every tavern keeper failing or refusing to obey the written directions of a Provincial Inspector given under the provisions of section 127 of this Act, shall, for each day during which such failure or refusal continues, be liable to a penalty of $5 and costs, and upon the report of such Provincial Inspector that any such tavern keeper has for a period of thirty days neglected to comply with such written directions or any of them an Order in Council may be passed cancelling the license held by such tavern keeper and the same shall thereupon become null and void to all intents and purposes whatsoever. Penalty for refusing to obey Inspector's directions as to accommodation.

16. Section 78 of *The Liquor License Act* is amended by adding thereto the following subsection:— Rev. Stat., c. 245, s. 78 amended.

(5) Where upon any prosecution under this section for selling or supplying liquor it has been proved that liquor has been sold or supplied to a person under the age of twenty-one years such person shall be compellable to disclose upon oath the name of the person from whom such liquor was obtained and the date when the same was so sold or supplied, and in case of a refusal he shall be guilty of an offence and may upon the order of the magistrate or Justice before whom the prosecution is brought be forthwith imprisoned for any period not exceeding three months unless he sooner discloses such information and pays the costs of his committal; and for the purpose of making such disclosure, he may at any time be brought before the same or any other Justice or may disclose the said information by affidavit. Minor compellable to disclose name of person who sold to him.

17. Subsection 2 of section 89 of *The Liquor License Act* is amended by inserting after the word "shall" in the 2nd line the words "as far as may be practicable." Rev. Stat., c. 244, s. 89, subs. 2 amended.

18. Subsection 1 of section 90 of *The Liquor License Act* is amended by striking out the words "such Inspector or officer is not" in the 8th line and inserting in lieu thereof the words "any other person or an officer appointed under section 127*a* is." Rev. Stat., c. 255, s. 90, subs. 1 amended.

19. Section 99 of *The Liquor License Act* is repealed and the following is substituted therefor:— Rev. Stat., c. 245, s. 99 repealed.

99.—(1) The Justice shall cause the depositions of the witnesses examined before him to be written in a legible hand and on one side only of the sheet of paper on which Evidence in prosecutions to be taken in writing.

they are written and shall read the same over to the witnesses who shall sign the same.

Stenographer may be employed.

(2) Instead of proceeding as provided in subsection 1 a stenographer may with the consent of the Justice be employed to take down the evidence or any part thereof in shorthand and the stenographer before acting shall take oath that he will truly and faithfully report the evidence.

When so taken have copies verified.

(3) Where evidence is taken in shorthand it shall not be necessary that the same shall be read over to or be signed by the witness, but it shall be sufficient that the transcript is signed by the Justice and is accompanied by an affidavit of the stenographer that it is a true report of the evidence.

Rev. Stat., c. 246, s 101, par. 1 amended.

20. The paragraph numbered 1 in section 101 of *The Liquor License Act* is amended by striking out the words "and not before" in the third line.

Rev. Stat., c. 245 amended.

21. *The Liquor License Act* is amended by adding thereto the following section:—

Person charged with sale may be convicted of keeping for sale.

104*a*. Where a person is charged with a sale of liquor in contravention of this Act and it appears to the Justice that there is no evidence of a sale of liquor having taken place, but that liquor was found upon the premises of or in possession or control of the person charged, and that the same was kept for sale in contravention of this Act, he may amend the information and may convict the defendant for keeping liquor for sale in contravention of the said Act.

Rev. Stat., c. 245 amended.

22. *The Liquor License Act* is amended by adding thereto the following section:—

Power to issue distress on non-payment of penalty.

104*b*. Notwithstanding anything in this Act contained where a pecuniary penalty is imposed, the Justice may in his discretion order that in default of payment of the penalty distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to gaol for such period as may be allowed by law.

Rev. Stat., c. 245 s, 105, subs. 1 amended.

23. Subsection 1 of section 105 of *The Liquor License Act* is amended by striking out all the words therein after the word "offence" in the 10th line.

Rev. Stat., c. 245, s. 105 amended.

24. Section 105 of *The Liquor License Act* is amended by adding thereto the following subsections:—

Remitting case to Justice for rehearing.

(3) If it appears to the Court or Judge that the Justice before whom any complaint or other proceeding under this Act was heard or taken, refused to receive evidence which

might have been material, the Court or Judge instead of quashing the conviction or other proceeding may remit the same to the Justice with direction to re-hear the case, and with such other directions as the Court or Judge may think proper, and the Justice shall re-hear the complaint accordingly.

(4) Nothing in this Act contained shall prevent the operation of any provision of *The Criminal Code* or of *The Ontario Summary Convictions Act* which would otherwise apply.

25. *The Liquor License Act* is amended by adding thereto the following section:— Rev. Stat., c. 245 amended.

105*a*. No motion to quash a conviction or order made under this Act shall be heard by the Court or Judge to which such application is made unless notice of such motion has been served within thirty days from the date of the conviction or order. Limitation of time as to proceedings to quash.

26. Section 109 of *The Liquor License Act* is amended by striking out the word "carrying" in the 14th line and inserting in lieu thereof the word "carry." Rev. Stat., c. 245, s. 109 amended.

27. Section 111 of *The Liquor License Act* is amended by adding thereto the following subsection:— Rev. Stat., c. 245, s. 111 amended.

(2) Proof that any person, not being a licensed person who furnishes food or lodging to lodgers, boarders or guests, or who conducts a house or other place in which persons reside who are not in his employment or members of his family, has upon the premises occupied by him a greater quantity of liquor than may be reasonably supposed to be intended for the use of such person and his family, shall be conclusive evidence that such liquor is kept for sale in contravention of this Act.

28. Section 125*a* of *The Liquor License Act* enacted by section 9 of the Act passed in the 8th year of His Majesty's reign, Chaptered 54, is amended by inserting after the word "divulge" in the 6th line the words "upon oath" and by adding after the word "disclose" in the 12th line the words "or in the opinion of the Justice is withholding" and by adding at the end thereof the words following "and for the purpose of making such disclosure such person may at any time be brought before the same or any other Justice or may disclose the said information by affidavit." 8 Edward VII., c. 54, s. 9 amended.

29. Subsection 2 of section 127 of *The Liquor License Act* is amended by striking out the first two lines and by substituting the following therefor:— Rev. Stat., c. 245, s. 127 amended.

(2) Any of such officers may be designated "Provincial Inspector" and it shall be the duty of a Provincial Inspector whenever required so to do."

Clause (*e*) of the said subsection is amended by striking out the words "where either of the said Provincial Inspectors" at the commencement thereof and inserting in lieu thereof the words "where a Provincial Inspector" and by adding after the word "licenses" in the third line the words "or License Commissioner."

Authority to Provincial Inspector to give directions as to additional accommodations.

30. Subsection 2 of said section 127 is further amended by adding thereto the following clause (*f*):—

(*f*) To visit and inspect any tavern for which a license has been issued under this Act and the accommodations provided therein and the utensils, bedding and other furniture therein and to see that the laws of the Province providing for the protection, safety and health of guests and other inmates are complied with and to give directions in writing to the license holder as to providing other or additional accommodations, furniture and appliances or as to any other matter he may deem necessary for the safety, comfort and convenience of guests.

31. Section 131 of *The Liquor License Act* is amended by striking out the words "unlawfully kept" in the 17th and 18th lines."

32. *The Liquor License Act* is amended by adding thereto the following section:—

May seize liquor in transit,

133*a*.—(1) Where an officer, policeman, constable or inspector finds liquor in transit or in course of delivery upon the premises of any railway company, or at any wharf, railway station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same.

May search vehicle and lands for liquor.

(2) Any officer, policeman, constable or inspector if he believes that liquor intended for sale or to be kept for sale in violation of this Act is contained in any vehicle on a public highway or elsewhere, or is concealed upon the lands of any person, may enter and search such vehicle, and may enter upon and search such lands and seize and remove any liquor found there and the vessels in which the same is kept.

May take proceedings before a Justice.

(3) Where liquor has been seized under subsection 1 or subsection 2 the person seizing the same shall give informa-

tion under oath (Form I) before a Justice of the Peace, who shall thereupon issue his summons (Form II) directed to the shipper, consignee or owner of the liquor if known, calling on him to appear at a time and place named in the summons and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act.

Service of summons.

(4) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or be left with some grown-up person at the express office, railway station or other place in which the liquor is found, or to the owner of the lands on which the same is found.

When returnable.

(5) The summons shall not be made returnable within less than thirty days after the service therof.

Procedure.

(6) At the time and place named in the summons any person who claims that the liquor is his property and that the same is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the Justice, and the Justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as may be adduced in the same manner as upon a complaint or information made under this Act.

Liquor seized, how dealt with

(7) If no person claims to be the owner of the liquor, or if the magistrate disallows such claim, and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act he may order that such liquor and any vessels containing the same shall be forfeited to His Majesty and destroyed or otherwise dealt with in such manner as the Minister may direct.

May be sold.

(8) The liquor so seized may under the direction of the Minister be sold to any license holder and the proceeds, after payment of any lawful costs of carriage and the expenses of such seizure and sale, shall be paid to the Treasurer of Ontario for the uses of the Province.

To be restored to owner in certain cases.

(9) If the magistrate finds that the claim of any person to be the owner of the liquor is established, and that it does not appear that it was intended to sell or keep such liquor for sale in contravention of this Act he shall dismiss the complaint and order that such liquor be restored to the owner.

Shipping in fictitious name evidence of intention to sell unlawfully.

(10) If it appears to the Justice that such liquor or any part thereof was consigned to some person in a fictitious name or was shipped as other goods, or was covered or concealed in such a manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more difficult, it shall be *prima facie* evidence that the liquor was intended to be sold or kept for sale in contravention of this Act.

Rev. Stat., c. 245 (1) s. 138. (2) repealed.

33. Subsection 2 of section 138 of *The Liquor License Act* is repealed.

34. Nothing contained in any Act passed at the present Session of the Legislature shall apply to or affect the provisions of subsection 2 of section 141 of *The Liquor License Act*.

HOTELS IN LOCAL OPTION DISTRICTS.

35. *The Liquor License Act* is amended by adding thereto the following section as 146*a*:—

Licenses may be issued in L. O. Municipalities.

146*a*.—(1) In any municipality in which a by-law passed under subsection 1 of section 141 is in force or in which no tavern license is issued, and in any locality without municipal organization, one or more licenses under this section may be granted to a suitable person or persons to establish and maintain an hotel for the accommodation of the travelling public and other guests, and such license or licenses may be granted by the Board of License Commissioners of the district in which the premises in respect of which the license is desired is situate, and, except as herein varied, all the provisions of this Act so far as the same are applicable, shall apply to license holders under this section and the premises in respect of which such license is granted shall be subject to inspection in the same way and to the same extent as are premises licensed under any other provisions of this Act.

Annual fee.

(2) The annual fee to be paid for any such license shall be $5, and the same may be granted at any time during the year on payment of the fee, and may be transferred without charge by the Board on application by the holder thereof.

Form of license.

(3) The license shall be in such form as may be approved by the Lieutenant-Governor-in-Council, and no greater number shall be issued in any municipality than are reasonably sufficient in the opinion of the Board to meet the public needs of the locality.

Accommodation necessary.

(4) The accommodation to be provided by the holder of any such license shall correspond as nearly as may be to the accommodation required to be provided under sections 27 and 28 of this Act, but in cases in which in the opinion of the Board stabling is not necessary the same may be dispensed with by resolution of said Board.

6 Edw. VII., c. 47, s. 8 (1) amended.

36. Subsection 1 of section 8 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out the words "or shop" in the first line and inserting in lieu thereof the words "shop or wholesale."

37. Subsection 4 of the said section is amended by striking out the words "or shop" in the second line and inserting in lieu thereof the words "shop or wholesale." 6 Edw. VII., c. 47, s. 8 (4) amended.

38. Subsection 1 of section 10 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out all the words in the 5th, 6th and 7th lines and by inserting in lieu thereof the following:— 6 Edw. VII., c. 47, s. 10 amended.

In a city having a population exceeding 200,000,
For a tavern license *$1,600*
For a shop license *$1,000*

In a city having a population of more than 100,000 and not more than 200,000,
For a tavern license *$1,200*
For a shop license *$1,000*

39. Section 19 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out all the words in the first line and inserting in lieu thereof the words "every person whether licensed or unlicensed." 6 Edw. VII., c. 47, s. 19 amended.

40. Section 25 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by striking out the words "or Justice of the Peace" in the 3rd and 4th lines of subsection 1 and in the first line of subsection 2 and in the last line of subsection 3 and in the 2nd line of subsection 4. Order not to be given by J. P.

41. Section 25 of the Act passed in the 6th year of His Majesty's reign, Chaptered 47, is amended by adding to subsection 1 the following clause (*a*):— 6 Edw. VII., c. 47, s. 25 (1) amended.

(*a*) No such requisition shall authorize the sale or delivery to any person by a druggist of more than six ounces of liquor.

42. Subsection 4 of the said section 25 is amended by striking out the word "officer" at the end of the 5th line and inserting in lieu thereof the words "Provincial officer on demand and to the inspection of any other person." 6 Edw. VII., c. 47, s. 25 (4) amended.

BREWERS AND DISTILLERS.

43. Section 2 of the Act passed in the 5th year of His Majesty's reign, Chaptered 31, is amended by striking out the word "customers" in the 6th line and inserting instead thereof the words "the holders of licenses issued under *The Liquor License Act*."

SAMPLE AND COMMISSION LICENSES.

44. The said Act is amended by adding thereto the following sections:—

Sample and commission licenses may be granted.

26*a*—(1) No person shall act in Ontario as the agent or employee of any person not a resident of Ontario for the purpose of selling liquor by sample or on commission or otherwise in Ontario or for soliciting or receiving orders for the delivery of liquor to any person, whether licensed or unlicensed, unless the person so acting has taken out and is the holder of a "Sample and Commission License."

(2) Every person violating the provisions of subsection 1 shall incur the penalties provided by *The Liquor License Act* for the sale of liquor without the license required by law.

26*b*. A Sample and Commission License shall authorize the holder thereof to sell liquor not the property of such license holder by sample or on commission and to solicit and receive orders for such liquor from persons who are the holders of licenses under *The Liquor License Act* in the quantities authorized by a wholesale license whether such liquor is in Ontario or is held in bond or otherwise elsewhere.

26*c*. The annual fee to be paid for a Sample or Commission License shall be $300 and shall be payable to the Treasurer of Ontario on or before the first day of May in each year.

26*d*. Sample and Commission Licenses shall be issued annually by the Minister on the 1st day of May, upon the production of the receipt of the Treasurer for the amount of the license fee.

No. 209.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Liquor License Act.

First Reading, 25th March, 1909.

Mr. HANNA.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 210

BILL.

1909

An Act respecting Unused Burying Grounds.

Preamble.

WHEREAS there are in a number of Cities, Towns and incorporated Villages in this Province unused burying grounds which have been closed by by-laws of the City, Town or incorporated Village in which the same are situate; and whereas the same have been unused for many years and many removals of remains have been made from many of the said burying grounds to other cemeteries; and whereas the said burying grounds in many cases have become and are in a very unkept condition; and whereas in many cases the said burying grounds are the property of religious denominations, Boards of Trustees, of Cemetery Trusts or Corporations; and whereas it is desirable that Rectors and Wardens, Trustees or Boards of Management of any such denomination, or the Trustees of any private Cemetery or Corporation shall have the right to cause the removal therefrom of remains buried in any such Cemetery and to have the said lands vested in such religious denominations, Trustees of private Cemeteries or Corporations.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Church authorities, etc., may sell cemetery which has been closed by by-law and unused for twenty years.

1. It shall be lawful for the Rector and Wardens, Trustees, Board of Management, or proper officers of any religious denomination, Cemetery Trust of Corporation having burying grounds, which have been closed by a by-law of the City, Town or Village in which same are situate, and which have been unused for a period of twenty years, after the removal as by this Act provided of the bodies of the dead interred in the said Cemetery aforesaid, to lease, mortgage or convey in fee simple the whole or any part of the said lands upon such terms and conditions and for such prices as may be deemed best, free and discharged of all claims and demands of any person or persons who may have

purchased for burial purposes plots in any such burying grounds or their representatives.

Removal of remains.

2. The said Rector and Wardens, Trustees, Board of Management, or proper officers of any religious denomination, Cemetery trust or Corporation are hereby authorized forthwith, after having given notice as hereinafter mentioned, at their own expense, to remove from any of such burying grounds the remains of the dead there interred to any regularly established Cemetery or burying ground in or adjacent to the said City, Town or Village in which the said burying ground is situated at the sole cost of the said Rector and Wardens, Trustees, Board of Management or other proper officers of any such burying ground, and to remove and re-erect any monuments or headstones of such burying ground in a Cemetery in or adjacent to the said City, Town or Village. Such removals and re-interments to be made as far as reasonably may be with due regard to the wishes or desires of the relatives or friends of the deceased.

Notice to relatives, etc.

3. The said Rector and Wardens, Board of Trustees, Board of Management, or other proper officers of any such burying ground, shall, before removing the remains as aforesaid, give written notice to the relatives of the dead when known and during the period of one month publish a notice once in each week in some newspaper having a general circulation, in the City, Town or Village in which the burying ground is situate and in *The Ontario Gazette*, stating their intention to remove the said remains upon and after the day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice; and the said Rector and Wardens, Board of Trustees, Board of Management or proper officers of any such burying ground shall be required to pay all reasonable expenses incurred or sustained by the relatives in any removal of remains which shall take place after and in pursuance of such notice and no further or other notice to the friends or relatives of the deceased shall be necessary.

Certificate of county judge as to removal.

4. It shall be the duty of the said Rector and Wardens, Board of Trustees, Board of Management, or proper officers of any such burying ground to use care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage or sell as aforesaid, but the title of any lessee, mortgagee or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead in any such Cemetery so leased, mortgaged or sold, and it shall be made to appear to the County Judge of the county in which the land is situated that he shall so certify under his hand that the remains of the dead so far as the same can be

discovered, have been removed from the said portion or portions so leased, mortgaged or sold, such certificate shall be registered in the Registry Office for the registry division in which the said lands are situate on the production thereof to the Registrar and the payment to him of one dollar as a fee for such registration.

Application of proceeds.

5. The money arising from the sale of the lands comprised in any burying grounds so closed, after payment of expenses connected with the advertising, removals or any other necessary expenses, shall become vested in the said Rector and Wardens, Trustees, Board of Management, or other proper officers of any such burying ground.

No. 210.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Unused Burying Grounds.

First Reading, 25th March, 1909.

Mr. NEELY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 211 **BILL.** 1909

The Statute Law Amendment Act, 1909.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Subsection 1 of section 14 of *The Act respecting the Property of Religious Institutions* is amended by inserting the words "once in each week" between the words "notice" and "four" in the sixth line thereof and the words "daily or" immediately before the word "weekly" in the 7th line thereof. R.S.O., c. 307 amended.

(2) Section 14 of the said Act is further amended by adding thereto the following subsection:

(3) Where a notice otherwise in conformity with subsection 1 has been heretofore published at least once in each week for four successive weeks in a daily paper, published in or near the place where the lands referred to in the notice are situate, the publication shall be as valid as if the same had been made in a weekly paper.

2.—(1) Section 1 of the Act passed in the 7th year of His Majesty's reign, Chaptered 26, intituled *An Act respecting Fines, Penalties and Forfeitures* is amended by adding the following subsection:— 7 Edw. VII., c. 26 amended.

(2) Subsection 1 of section 5 of the said Act is amended by inserting after the word "by" in the 2nd line thereof the words "or under the authority of."

(3) Section 6 of the said Act is amended by adding the following subsection:

(2) Where a fine, penalty or forfeiture is remitted the Lieutenant-Governor in Council may also relieve the offender from any other penalty or forfeiture consequent upon his conviction.

(4) Where a fine, penalty or forfeiture belongs to the Crown the Lieutenant-Governor in Council may allow any part thereof to any person by whose information or aid the fine, penalty or forfeiture was recovered.

The Interpretation Act amended.

3. Clause 20 of section 7 of *The Intrepretation Act* is amended by adding thereto the following words "any officer authorized to administer an oath or take an affidavit may take any declaration authorized or required by an Act of the Legislature."

R.S.O., c. 86 amended.

4. Section 1 of Chapter 86 of the Revised Statutes of Ontario is amended by inserting after the word "Ontario" in the third line thereof the words "and every judge and every junior judge of a County or District Court."

Ontario Voters' Lists Act amended.

5.—(1) *The Ontario Voters' Lists Act*, passed in the 7th year of His Majesty's reign, Chapter 4, is amended by adding thereto the following section:

73*a*. Unless and until a new voters' list therefor has been prepared and certified, the voters' lists last so prepared and certified shall be the proper voters' list to be used at such polling place at any election to the Assembly.

(2) Form 1 of *The Ontario Voters' Lists Act* is amended by adding thereto after the column headed "Post Office Address," a column headed "Jurors' Column" and by striking out the words "Farmer's son" in the fifth column of Part II and substituting therefor the word "Tenant."

(3) Section 8 of the said Act is amended by adding thereto the following subsection:—

(1) The Clerk in making out the voters' list shall in a separate column provided for the purpose write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under sixty years of age who by the roll appears to possess the property qualifications required to qualify him to serve as a juror, and such voters' list shall show at or near the end thereof the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward.

(4) Subsection 2 of section 9 of the said Act is amended by adding thereto the following clause:—

(*e*) The Registrar of Deeds.

R.S.O., c. 154 amended.

6.—(1) Subsection 1 of section 2 of *The Woodman's Lien for Wages Act* is amended by inserting the word "cordwood" after the word "log" in the 1st line.

(2) Section 3 of the said Act is repealed and the following is substituted therefor:

(3) This Act shall apply to the Provisional County of Haliburton and to Provisional Judicial Districts.

7.—(1) Subsection 2 of section 126 if *The Registry Act* is amended by inserting after the word "Toronto" in line two (2) the words "and for the County of Wentworth." R.S.O. c. 136 amended.

(2) Subsection 3 of section 126 of *The Registry Act* is amended by inserting after the word "Toronto" the words "and for the County of Wentworth."

(3) Subsection 1 of section 127 of *The Registry Act* is amended by adding after the word "Toronto" in line three the following words: "and the Registrar of the County of Wentworth shall pay to the Treasurers of the City of Hamilton, and of the County of Wentworth, subject to the provisions of (2) of sec. 129 of said Act."

8. Section 3 of *The Deserted Wives Maintenance Act* is amended by adding thereto the following subsection: R.S.O., c. 167 amended.

(4) The Order of the Magistrate or Justices for payment may be filed in the Division Court of the division in which the husband or such married woman resides and shall thereupon become and may be enforced as a judgment of such Court.

9. Section 17 of *The Act to create the Provisional Judicial District of Sudbury* passed in the 7th year of His Majesty's reign, Chapter 25 is repealed and the following substituted therefor: 7 Edw. VII., c. 25, s. 17 amended.

17. The Local Masters of Titles at Sault Ste. Marie and North Bay shall also deliver as aforesaid to the Local Master of Titles at Sudbury, all original instruments filed or registered with them which relate exclusively to the lands included within the said District of Sudbury and are mentioned in the registers which are being transferred to Sudbury and certified copies of all such instruments relating to land in the said district as well as to lands in the remaining parts of the Districts of Algoma or Nipissing as the Master of Titles shall direct.

10. Section 17 of the *Act to create the Provisional Judicial District of Fort Frances*, passed in the 8th year of His Majesty's reign, Chapter 36, is repealed and the following substituted therefor: 8 Edw. VII., c. 36, s. 17 amended.

17. The Local Master of Titles at Kenora shall also deliver as aforesaid to the Local Master of Titles at Fort Frances all original instruments filed or registered with him which relate exclusively to lands included within the

said District of Fort Frances and are mentioned in the registers which are being transferred to Fort Frances or in the copies of subsisting entries prepared under the next preceding section and certified copies of all such instruments relating to land in the said district as well as the lands remaining in the District of Rainy River as the Master of Titles shall direct.

6 Edw. VII., c. 132, s. 6 amended.

11. Section 6 of the Act passed in the sixth year of His Majesty's reign, Chaptered. 132, being *An Act respecting The Ontario and Minnesota Power Company, Limited*, as amended by *The Statute Law Amendment Act, 1907*, section 33, and *The Statute Law Amendment Act, 1908*, section 61, is hereby further amended by striking out the figures "1909" in the sixth and eighth lines thereof, and substituting therefor the figures "1910."

7 Edw. VII., c. 25, s. 17 amended.

12. Section 17 of the Act passed in the 7th year of His Majesty's reign entitled *An Act to create the Provisional Judicial District of Sudbury*, is hereby amended by inserting after "Sudbury" in the fifth line thereof the words, "and are mentioned in the registers which are being transferred to Sudbury."

8 Edw. VII., c. 87, s. 17 amended.

13. Section 17 of the Act passed in the 8th year of His Majesty's reign, entitled *An Act to create the Provisional Judicial District of Fort Frances*, is hereby amended by inserting after "Fort Frances" in the fifth line thereof the words, "and are mentioned in the registers which are being transferred to Fort Frances or in the copies of subsisting entries prepared under the next preceding section."

14. Section 15 of *The Statute Law Amendment Act 1906*, is hereby repealed and item 8 in the Schedule of Constables' Fees to the Act respecting the fees of officers engaged in the Administration of Justice is hereby restored.

R.S.O. c. 87 s. 4 amended.

15.—(1) Section 4 of *The Act respecting Police Magistrates*, Chapter 87 of the Revised Statutes, is amended by adding thereto the following subsection:—

(1*a*) The Lieutenant-Governor in Council may appoint a third Police Magistrate for any city having a population of 200,000 or more at a salary to be named in the order making the appointment or in a subsequent order and the salary so named shall be paid by the city quarterly to such Police Magistrate. (*See* 2 Edward VII., cap. 12, section 13.)

(2) Subsection 2 of the said section is repealed and the following substituted therefor:—

(2) A division of the duties of the Police Magistrates may be made by the Lieutenant-Governor in Council.

16. Section 14 of *The Act respecting Coroners* is amended by striking out the figures "$5" where they occur and by substituting therefor the figures "$ " and by striking out the figures "$10" where they occur and by substituting therefor the figures "$ " and by striking out the figures "$20" where they occur and by substituting therefor the figures "$." R.S.O., c. 97 s. 14 amended.

17. Clause 1 of section 103 of *The Land Titles Act* is amended by adding the following thereto:— R.S.O., c. 138 s. 103 amended.

Provided that nothing herein shall prevent the registration of a charge given by an incorporated company to trustees for the purpose of securing bonds or debentures issued or to be issued by the company.

18. (1) *The Ontario Insurance Act* is amended by adding thereto, after section 149, section 149*a*, as follows:— R.S.O. 203, ss. 149-152 amended.

149*a*. Where a contract of insurance of the person provides either in terms or in effect that the contract shall be indisputable or incontestable, it shall not be disputable or contestable on the ground that the assured committed suicide, unless it is so stipulated in express terms by and is so stated in the application on which it is founded.

(2) Section 152 of the said Act is hereby amended by adding thereto subsection (2) as follows:—

(2) In any such contract, and in any contract of insurance against sickness, if the insurer reserves the right to terminate the contract during its currency, the assured shall have the right of terminating which Statutory Condition 19 (including clause (a)) of section 168 of *The Ontario Insurance Act* confers in the case of fire insurance on a person assured on the cash plan.

(3) Subsection 2 shall have effect notwithstanding any stipulation or agreement to the contrary.

19. *The Public Health Act*, being chapter 248 of the Revised Statutes of Ontario is hereby amended as follows:— R.S.O. c. 248 amended.

(*a*) By striking out the word "seven" where it occurs in the third line of section 3 and inserting in lieu thereof the word "five."

(*b*) By striking out of section 13 all the words thereof which precede the words "The Provincial Board of Health" where the same occur in the second and third lines of said section.

R.S.O. c. 60, s. 182, amended.

20. Section 182 of *The Division Courts Act* is repealed and the following substituted therefor:—

182.—(1) In all cases under the provisions of sections 186 and 190 where the debt sought to be garnished is for wages or salary, there shall be fyled with the clerk an affidavit showing the residence of the primary debtor and the nature of his occupation in the service of the garnishee at the time of the issuing of the summons (if then in such service) and stating whether the debt alleged or adjudged to be due by the primary debtor to the primary creditor was or was not incurred for board or lodging, and there shall also be endorsed upon or annexed to the summons served on the garnishee a memorandum to the like effect and in the absence of such affidavit or memorandum the debt may be presumed by the garnishee not to have been incurred for board or lodging.

(2) If the primary debtor is alleged to be an unmarried person having no family depending on him for support, a statement to that effect verified by affidavit shall be fyled with the clerk and the statement shall also be endorsed upon or annexed to the summons served on the garnishee; and in the absence of such affidavit or statement, such person may be presumed by the garnishee to have a family depending on him for support.

R.S.O. c. 225, 4 Edw. VII, c. 23

21. Notwithstanding the repeal of sections 56, 57 and 59 of *The Act respecting the establishment of Municipal Institutions in Territorial Districts*, by section 228 and Schedule "M" of *The Assessment Act*, passed in the 4th year of His Majesty's reign, chaptered 23, the said sections 56, 57 and 59 shall for all purposes be deemed to have been and hereafter to be in force as if they had not been included in the said repealing section and Schedule.

63 Vic., c. 57, amended.

22. The Act passed in the 63rd year of the reign of Her Late Majesty Queen Victoria, Chapter 57, is amended by adding the following sections:—

19.—(1) The council of any municipality may grant to any sanatorium incorporated by letters patent and organized without share capital such sum in aid of the establishment of the sanatorium as it may see fit, and may make such yearly or per capita grant for the maintenance thereof as may be deemed advisable, and unless the sum so granted in aid of the establishment of the sanatorium exceeds the sum of five thousand dollars the assent of the electors as provided by *The Municipal Act, 1903*, respecting the creation of debts shall not apply.

(2) This section as far as it provides for the aid in the establishment of a sanatorium without the consent of the electors, shall apply to counties only.

22. Section 13 of the Act passed in the 63rd year of Her Late Majesty's reign, Chaptered 57, is amended by striking out the words "$1.50 per week for each patient therein" in the 4th and 5th lines thereof, and substituting therefor the words "$3.00 per week for each patient therein for whose maintenance $4.90 or less is paid," and by striking out the words "$1.50 per week for each patient" in the 11th and 12th lines thereof and substituting therefor the words "$3.50 per week for each patient." 63 Vic., c. 57 s. 13

23.—(1) The property and interest of an annuitant in a contract or an annuity made or granted under the authority of the Act passed by the Parliament of Canada at the session held in the 7th and 8th years of His Majesty's reign, Chaptered 5, shall not be transferable either at law or in equity, and the Minister appointed by the Governor in Council under the provisions of the said Act to administer the same shall not be affected by notice however given of any trust affecting an annuity. 7 and 8 Edw. VII, c. 5, (Canada)

(2) The property and interest of an annuitant in his contract for an annuity shall not be seized or levied upon, by or under the process of any courts subject however to the rights of creditors as provided in section 11 of the said Act which rights shall be enforceable in the courts of this Province.

24. Subsection 1 of section 3 of *The Act for the Prevention of Accidents by Fire in Hotels and other like Buildings* is amended by striking out from the first and second lines the words "where the same is more than two storeys in height." R.S.O. c. 264, s. 3, amended.

25. *The Public Libraries Act* passed during the present session is amended by adding thereto the following as subsection 7 of section 8, and the same shall be incorporated with *The Public Libraries Act* in the annual volume of statutes passed during the present session.

8.—(7) The Board of a Public Library of a City having a population of 100,000 or more, may permit an incorporated Art Museum to occupy for the purposes of its gallery or museum, any part of the library building not required for immediate use for the purposes of the board, upon such terms and conditions and for such period, not exceeding five years, as may be agreed on, provided that it be a term of the agreement that the board may determine such right of occupation whenever the space is required for the purposes of the board, and that it be also a term of the agreement that the pictures and objects of art of the museum shall be open to public view free of charge on such days as the board and the council of the museum may agree.

No. 211.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

The Statute Law Amendment Act, 1909.

First Reading, 25th March, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 211 **BILL.** 1909

The Statute Law Amendment Act, 1909.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *"The Statute Law Amendment Act, 1909."*

2.—(1) Subsection 1 of section 14 of *The Act respecting the Property of Religious Institutions* is amended by inserting the words "once in each week" between the words "notice" and "four" in the sixth line thereof and the words "daily or" immediately before the word "weekly" in the 7th line thereof. R.S.O., c. 307 amended.

(2) Section 14 of the said Act is further amended by adding thereto the following subsection:

(3) Where a notice otherwise in conformity with subsection 1 has been heretofore published at least once in each week for four successive weeks in a daily paper, published in or near the place where the lands referred to in the notice are situate, the publication shall be as valid as if the same had been made in a weekly paper.

3.—(1) Section 1 of the Act passed in the 7th year of His Majesty's reign, Chaptered 26, intituled *An Act respecting Fines, Penalties and Forfeitures* is amended by adding the following subsection:— 7 Edw. VII., c. 26 amended.

(2) Subsection 1 of section 5 of the said Act is amended by inserting after the word "by" in the 2nd line thereof the words "or under the authority of."

(3) Section 6 of the said Act is amended by adding the following subsection:

(2) Where a fine, penalty or forfeiture is remitted the Lieutenant-Governor in Council may also relieve the offender from any other penalty or forfeiture consequent upon his conviction.

(4) Where a fine, penalty or forfeiture belongs to the Crown the Lieutenant-Governor in Council may allow any part thereof to any person by whose information or aid the fine, penalty or forfeiture was recovered.

The Interpretation Act amended.

4. Clause 20 of section 7 of *The Interpretation Act* is amended by adding thereto the following words "any officer authorized to administer an oath or take an affidavit may take any declaration authorized or required by an Act of the Legislature."

R.S.O., c. 86 amended.

5. Section 1 of Chapter 86 of the Revised Statutes of Ontario is amended by inserting after the word "Ontario" in the third line thereof the words "and every judge and every junior judge of a County or District Court."

Ontario Voters' Lists Act amended.

6.—(1) *The Ontario Voters' Lists Act*, passed in the 7th year of His Majesty's reign, Chapter 4, is amended by adding thereto the following section:

73*a*. Unless and until a new voters' list therefor has been prepared and certified, the voters' lists last so prepared and certified shall be the proper voters' list to be used at such polling place at any election to the Assembly.

(2) Form 1 of *The Ontario Voters' Lists Act* is amended by adding thereto after the column headed "Post Office Address," a column headed "Jurors' Column" and by striking out the words "Farmer's son" in the fifth column of Part II and substituting therefor the word "Tenant."

(3) Section 8 of the said Act is amended by adding thereto the following subsection:—

(1) The Clerk in making out the voters' list shall in a separate column provided for the purpose write or mark the letter "J" upon the voters' list opposite the name of every male person over twenty-one and under sixty years of age who by the roll appears to possess the property qualifications required to qualify him to serve as a juror, and such voters' list shall show at or near the end thereof the aggregate number of names of persons upon such lists qualified to serve on juries, and in the case of cities and towns such list shall give the same information for each ward.

(4) Subsection 2 of section 9 of the said Act is amended by adding thereto the following clause:—

(*e*) The Registrar of Deeds.

R.S.O., c. 151 amended.

7.—(1) Subsection 1 of section 2 of *The Woodman's Lien for Wages Act* is amended by inserting the word "cordwood" after the word "log" in the 1st line.

(2) Section 3 of the said Act is repealed and the following is substituted therefor:

(3) This Act shall apply to the Provisional County of Haliburton and to Provisional Judicial Districts.

8.—(1) Subsection 2 of section 126 of *The Registry Act* is amended by inserting after the word "Toronto" in line two (2) the words "and for the County of Wentworth." R.S.O. c. 136 amended.

(2) Subsection 3 of section 126 of *The Registry Act* is amended by inserting after the word "Toronto" the words "and for the County of Wentworth."

(3) Subsection 1 of section 127 of *The Registry Act* is amended by adding after the word "Toronto" in line three the following words: "and the Registrar of the County of Wentworth shall pay to the Treasurers of the City of Hamilton, and of the County of Wentworth, subject to the provisions of (2) of sec. 129 of said Act."

9. Section 3 of *The Deserted Wives Maintenance Act* is amended by adding thereto the following subsection: R.S.O., c. 167 amended.

(4) The Order of the Magistrate or Justices for payment may be filed in the Division Court of the division in which the husband or such married woman resides and shall thereupon become and may be enforced as a judgment of such Court.

10. Section 17 of *The Act to create the Provisional Judicial District of Sudbury* passed in the 7th year of His Majesty's reign, Chapter 25 is repealed and the following substituted therefor: 7 Edw. VII., c. 25, s. 17 amended.

17. The Local Masters of Titles at Sault Ste. Marie and North Bay shall also deliver as aforesaid to the Local Master of Titles at Sudbury, all original instruments filed or registered with them which relate exclusively to the lands included within the said District of Sudbury and are mentioned in the registers which are being transferred to Sudbury and certified copies of all such instruments relating to land in the said district as well as to lands in the remaining parts of the Districts of Algoma or Nipissing as the Master of Titles shall direct.

11. Section 17 of *The Act to create the Provisional Judicial District of Fort Frances*, passed in the 8th year of His Majesty's reign, Chapter 36, is repealed and the following substituted therefor: 8 Edw. VII., c. 36, s. 17 amended.

17. The Local Master of Titles at Kenora shall also deliver as aforesaid to the Local Master of Titles at Fort Frances all original instruments filed or registered with him which relate exclusively to lands included within the

said District of Fort Frances and are mentioned in the registers which are being transferred to Fort Frances or in the copies of subsisting entries prepared under the next preceding section and certified copies of all such instruments relating to land in the said district as well as the lands remaining in the District of Rainy River as the Master of Titles shall direct.

6 Edw. VII., c. 132, s. 6 amended.

12. Section 6 of the Act passed in the sixth year of His Majesty's reign, Chaptered 132, being *An Act respecting The Ontario and Minnesota Power Company, Limited*, as amended by *The Statute Law Amendment Act, 1907*, section 33, and *The Statute Law Amendment Act, 1908*, section 61, is hereby further amended by striking out the figures "1909" in the sixth and eighth lines thereof, and substituting therefor the figures "1910."

7 Edw. VII., c. 25, s. 17 amended.

13. Section 17 of the Act passed in the 7th year of His Majesty's reign entitled *An Act to create the Provisional Judicial District of Sudbury*, is hereby amended by inserting after "Sudbury" in the fifth line thereof the words, "and are mentioned in the registers which are being transferred to Sudbury."

8 Edw. VII., c. 87, s. 17 amended.

14. Section 17 of the Act passed in the 8th year of His Majesty's reign, entitled *An Act to create the Provisional Judicial District of Fort Frances*, is hereby amended by inserting after "Fort Frances" in the fifth line thereof the words, "and are mentioned in the registers which are being transferred to Fort Frances or in the copies of subsisting entries prepared under the next preceding section."

15. Section 15 of *The Statute Law Amendment Act, 1906*, is hereby repealed and item 8 in the Schedule of Constables' Fees to the Act respecting the fees of officers engaged in the Administration of Justice is hereby restored.

R.S.O. c. 87 s. 4 amended.

16.—(1) Section 4 of *The Act respecting Police Magistrates*, Chapter 87 of the Revised Statutes, is amended by adding thereto the following subsection:—

(1*a*) The Lieutenant-Governor in Council may appoint a third Police Magistrate for any city having a population of 200,000 or more at a salary to be named in the order making the appointment or in a subsequent order and the salary so named shall be paid by the city quarterly to such Police Magistrate. (*See* 2 Edward VII., cap. 12, section 13.)

(2) Subsection 2 of the said section is repealed and the following substituted therefor:—

(2) A division of the duties of the Police Magistrates may be made by the Lieutenant-Governor in Council.

17. Section 14 of *The Act respecting Coroners* is amended by striking out the figures "$5" where they occur and by substituting therefor the figures "$ " and by striking out the figures "$10" where they occur and by substituting therefor the figures "$ " and by striking out the figures "$20" where they occur and by substituting therefor the figures "$." R.S.O., c. 97, s. 14 amended.

18. Clause 1 of section 103 of *The Land Titles Act* is amended by adding the following thereto:— R.S.O., c. 138, s. 103 amended.

Provided that nothing herein shall prevent the registration of a charge given by an incorporated company to trustees for the purpose of securing bonds or debentures issued or to be issued by the company.

19.—(1) *The Ontario Insurance Act* is amended by adding thereto, after section 149, section 149*a*, as follows:— R.S.O., 203, ss. 149-152 amended.

149*a*. Where a contract of insurance of the person provides either in terms or in effect that the contract shall be indisputable or incontestable, it shall not be disputable or contestable on the ground that the assured committed suicide, unless it is so stipulated in express terms by the contract and is so stated in the application on which it is founded.

(2) Section 152 of the said Act is hereby amended by adding thereto subsection (2) as follows:—

(2) In any such contract, and in any contract of insurance against sickness, if the insurer reserves the right to terminate the contract during its currency, the assured shall have the right of terminating which Statutory Condition 19 (including clause (a)) of section 168 of *The Ontario Insurance Act* confers in the case of fire insurance on a person assured on the cash plan.

(3) Subsection 2 shall have effect notwithstanding any stipulation or agreement to the contrary.

20. *The Public Health Act*, being chapter 248 of the Revised Statutes of Ontario is hereby amended as follows:— R.S.O., c. 248 amended.

(*a*) By striking out the word "seven" where it occurs in the third line of section 3 and inserting in lieu thereof the word "five."

(*b*) By striking out of section 13 all the words thereof which precede the words "The Provincial Board of Health" where the same occur in the second and third lines of said section.

R.S.O., c. 60, s. 182 amended.

21. Section 182 of *The Division Courts Act* is repealed, and the following substituted therefor:—

182.—(1) In all cases under the provisions of sections 186 and 190 where the debt sought to be garnished is for wages or salary, there shall be fyled with the clerk an affidavit showing the residence of the primary debtor and the nature of his occupation in the service of the garnishee at the time of the issuing of the summons (if then in such service) and stating whether the debt alleged or adjudged to be due by the primary debtor to the primary creditor was or was not incurred for board or lodging, and there shall also be endorsed upon or annexed to the summons served on the garnishee a memorandum to the like effect and in the absence of such affidavit or memorandum the debt may be presumed by the garnishee not to have been incurred for board or lodging.

(2) If the primary debtor is alleged to be an unmarried person having no family depending on him for support, a statement to that effect verified by affidavit shall be fyled with the clerk and the statement shall also be endorsed upon or annexed to the summons served on the garnishee; and in the absence of such affidavit or statement, such person may be presumed by the garnishee to have a family depending on him for support.

R.S.O., c. 225, 4 Edw. VII, c. 23.

22. Notwithstanding the repeal of sections 56, 57 and 59 of *The Act respecting the establishment of Municipal Institutions in Territorial Districts*, by section 228 and Schedule "M" of *The Assessment Act*, passed in the 4th year of His Majesty's reign, chaptered 23, the said sections 56, 57 and 59 shall for all purposes be deemed to have been and hereafter to be in force as if they had not been included in the said repealing section and Schedule.

63 Vic., c. 57, amended.

23. The Act passed in the 63rd year of the reign or Her Late Majesty Queen Victoria, Chapter 57, is amended by adding the following sections:—

19.—(1) The council of any municipality may grant to any sanatorium incorporated by letters patent and organized without share capital such sum in aid of the establishment of the sanatorium as it may see fit, and may make such yearly or per capita grant for the maintenance thereof as may be deemed advisable, and unless the sum so granted in aid of the establishment of the sanatorium exceeds the sum of five thousand dollars the assent of the electors as provided by *The Municipal Act, 1903*, respecting the creation of debts shall not apply.

(2) This section as far as it provides for the aid in the establishment of a sanatorium without the consent of the electors, shall apply to counties only.

24. Section 13 of the Act passed in the 63rd year of Her Late Majesty's reign, Chaptered 57, is amended by striking out the words "$1.50 per week for each patient therein" in the 4th and 5th lines thereof, and substituting therefor the words "$3.00 per week for each patient therein for whose maintenance $4.90 or less is paid," and by striking out the words "$1.50 per week for each patient" in the 11th and 12th lines thereof and substituting therefor the words "$3.50 per week for each patient." 63 Vic., c. 57, s. 13.

25.—(1) The property and interest of an annuitant in a contract or an annuity made or granted under the authority of the Act passed by the Parliament of Canada at the session held in the 7th and 8th years of His Majesty's reign, Chaptered 5, shall not be transferable either at law or in equity, and the Minister appointed by the Governor in Council under the provisions of the said Act to administer the same shall not be affected by notice however given of any trust affecting an annuity. 7 and 8 Edw. VII, c. 5, (Canada)

(2) The property and interest of an annuitant in his contract for an annuity shall not be seized or levied upon, by or under the process of any courts subject however to the rights of creditors as provided in section 11 of the said Act which rights shall be enforceable in the courts of this Province.

26. Subsection 1 of section 3 of *The Act for the Prevention of Accidents by Fire in Hotels and other like Buildings* is amended by striking out from the first and second lines the words "where the same is more than two storeys in height." R.S.O., c. 264, s 3 amended.

27. *The Public Libraries Act* passed during the present session is amended by adding thereto the following as subsection 7 of section 8, and the same shall be incorporated with *The Public Libraries Act* in the annual volume of statutes passed during the present session.

(7) The Board of a Public Library of a City having a population of 100,000 or more, may permit an incorporated Art Museum to occupy for the purposes of its gallery or museum, any part of the library building not required for immediate use for the purposes of the board, upon such terms and conditions and for such period, not exceeding five years, as may be agreed on, provided that it be a term of the agreement that the board may determine such right of occupation whenever the space is required for the purposes of the board, and that it be also a term of the agreement that the pictures and objects of art of the museum shall be open to public view free of charge on such days as the board and the council of the museum may agree.

☞28. The *Registry Act* is amended by adding thereto the following section: ☜

Rev. Stat., c. 136.

☞Notwithstanding anything herein until proclamation by the Lieutenant-Governor in Council to the contrary all instruments affecting lands within the City of West Toronto, after it becomes annexed to the City of Toronto, shall continue to be registered in the Registry Office for the Registration Division of East and West York and all books and instruments relating to such lands shall remain in that office. ☜

☞29. Section 14 of *The Milk, Cheese and Butter Act* is amended by adding the following subsection: ☜

8 Edw. VII, c. 55.

☞(2) Every inspector appointed under this Act shall have the right at any time to take samples for testing any product manufactured in any cheese factory, creamery, milk condensery, milk powder factory or other establishment for the manufacture of milk products for sale. ☜

8 Edw. VII, c. 55.

☞30. Section 2 of *The Milk, Cheese and Butter Act* is repealed. ☜

6 Edw. VII, c. 17.

☞31. Section 3 of *The Agricultural Associations' Act* is amended by adding thereto the following words "The Ontario Corn Growers' Association." ☜

Rev. Stat., c. 280.

☞32. *The Yellows and Black Knot Act* is amended by adding thereto the following section: ☜

☞10. The Lieutenant-Governor in Council may by proclamation extend the application of this Act and the provisions thereof to any other disease of fruit trees and the proclamation shall take effect after publication thereof in two successive issu s of the *Ontario Gazette*. ☜

61 Vic., c. 32.

☞33.—(1) Section 4 of *The San Jose Scale Act* as amended by the Act passed in the 2nd year of His Majesty's reign, Chaptered 37, is further amended by adding after subsection 2 the following: ☜

☞2*a*. The by-law shall not take effect unless and until approved by the Minister of Agriculture and shall remain in force only for the calendar year in which it is passed." ☜

☞2*b*. The clerk of the municipality shall transmit a certified copy of every such by-law to the Minister of Agriculture before the first day of May next after the passing thereof. ☜

34. The said section is further amended by adding to subsection 5 the following "provided that such statements are submitted to the Minister on or before the fifteenth day of December of the year to which they apply."

35. Section 19 of *The Horticultural Societies Act* as amended by *The Horticultural Societies Act, 1908*, is amended by striking out of clause (*d*) the words "one hundred dollars" and substituting therefor the words "seventy-five dollars," and by adding the following clause: 6 Edw. VII, c. 18.

(*e*) After the first day of January, 1910, no society shall be entitled to receive an anunal grant of more than $800.

36. *The Act respecting the Department of Agriculture* is amended by adding the following section: Rev. Stat., c. 42.

10. Where an appropriation is made by the Legislature for or in respect of any matter under the management, direction or control of the Department of Agriculture or of the Minister of Agriculture the same shall be expended by the Minister in accordance with the provisions of the Act regulating the same or if there are no such provisions in accordance with the direction of the Lieutenant-Governor in Council.

37. Notwithstanding the provisions of *The Public Works Act*, the sum of $25,000 appropriated by the Legislature for an addition to the Winter Fair Building, at the City of Guelph, may be paid to the Corporation of the City of Guelph to be expended in part payment of the cost of the erection of an addition to the building known as the Winter Fair Building, upon and subject to such conditions as may be prescribed by the Lieutenant-Governor in Council upon the recommodation of the Minister of Public Works.

38.—(1) *The Mining Act of Ontario* is amended by inserting after the word "to" in the second line of section 83 thereof, the words "the time or manner of," and by inserting after the word" shall" in the fifth line the words "without any declaration, entry or act on the part of the Crown or by any officer." 8 Edw. VII, c. 83.

(2) Section 84 of the said Act is amended by inserting after the word "shall" in the third line thereof the words "without any declaration, entry or act on the part of the Crown or by any officer."

39. Notwithstanding anything contained in *The Public Schools Act*, and amendments thereto, the trustees of Union School Section No. XI., of the Township of Tay, and No.

XVIII., of the Township of Medonte, to erect two new school houses in the section, upon sites to be approved of by the ratepayers of the section, in the manner provided by *The Public Schools Act*, and the Municipal Corporation of the Township of Tay may issue the necessary debentures therefor upon a proper application from the trustees of the section.

Rev. Stat., c. 121.

40. *The Act respecting Mortgages of Real Estate* is hereby amended by adding thereto the following section:

35. Where a *bona fide* sale has been effected in professed exercise of a power of sale in a mortgage or in a charge made under *The Land Titles Act* and the property has been offered for sale by public auction, after advertisement, the title of the purchaser shall not be liable to be impeached and the same shall be valid unless the sale is called in question in or by a proceeding commenced within ten years from the time the purchaser shall have taken possession; but any person damnified by any unauthorized, improper or irregular exercise of such power shall have his remedy against the person selling.

41. Subsection 3 of section 2 of an Act passed in the 8th year of His Majesty's reign, intituled *An Act to amend The Public Lands Act*, shall be held to extend to mines, ores and minerals, which by section 15 of *The Pubic Lands Act* are reserved to the Crown out of lands granted by any patent.

8 Edw. VII, c. 17.

43. Subsection 3 of section 4 of the Act passed in the 8th year of His Majesty's reign, intituled *An Act to amend The Free Grants and Homesteads Act* shall be held to extend to mines, ores and minerals which by section 13 of *The Free Grants and Homesteads Act* are reserved to the Crown out of the lands granted by any patent.

8 Edw. VII, c 18.

44. Subsection 3 of section 5 of the Act passed in the 8th year of His Majesty's reign, intituled *An Act to amend The Rainy River Free Grants and Homesteads* Act, and Chaptered 18 shall be held to extend to mines, ores and minerals which by section 12 of *The Rainy River Free Grants and Homesteads Act* are reserved to the Crown out of lands granted by any patent.

3 Edw. VII, c. 28 amended.

44. Subsection 1 of section 8 of *The Act respecting Circuses and Travelling Shows* is repealed and the following substituted therefor:

Provincial and Dominion detectives and

8.—(1) The Inspectors of Criminal Investigation of Canada and of Ontario, and every Dominion and Provin-

cial constable receiving a salary from the Government, shall have access free of all charge to all shows mentioned in section 1, and to every horse race, agricultural, horticultural or industrial exhibition, ball game, theatre of public gathering, and to the grounds, tents and buildings in which such shows, races, exhibitions and gatherings are held, and every part thereof during the hours in which the public are admitted to such grounds and buildings and any person obstructing, hindering or neglecting to give free access to any such Inspector or constable in the exercise of the rights conferred by this section, after such inspector or constable has demanded admission and displayed his badge of office, shall be liable, on summary conviction thereof, to a fine not exceeding $100, and not less than $50, or to imprisonment for any term not exceeding three months. constables to have free access to all shows.

45. The hospital or sanatorium to be established under the Act passed at the present session intituled *An Act respecting the establishment in the City of Ottawa of a Hospital or Sanatorium for the reception, care and treatment of persons suffering from tuberculosis* shall be deemed a sanatorium within the meaning of sections 12 and 13 of *The Act respecting Municipal Sanatoria for Consumptives*, and, subject to the provisions of the said sections, the Lieutenant-Governor in Council may make to the Corporation of the City of Ottawa the grants authorized by the said sections and the amendments thereto.

46. Section 42 of *The Statute Law Amendment Act, 1906*, is repealed and the following is substituted therefor: 2 Edw. VII, c. 19.

Section 6 of *The Act rspecting Aid to Certain Railways* passed in the sixty-third year of the reign of Her late Majesty, being Chapter 29, is amended by adding thereto the following words "the time limited herein is extended as regards The Central Ontario Railway until the 31st day of December, 1911." Central Ontario Railway.

47. *The Ontario Voters' Lists Act* is amended by inserting therein the following section:

56*a*. The duties assigned to and the powers conferred on the County Judge by Part II shall be performed and exercised by the Official Arbitrator, in case the Council of the City by by-law to be passed before the 1st day of July in any year declare that the Official Arbitrator shall thereafter perform and exercise such duties and powers at a remuneration to be agreed on between the said Council and the said Arbitrator."

48. The Lieutenant-Governor in Council may on such terms and conditions as he deems satisfactory authorize the return to the Rainy Lake Pulp & Paper Company, of the sum of $5,000, being the amount of security deposited in connection with a certain agreement bearing date the 6th day of January, 1903, the same having been cancelled by Order in Council of 19th of January, 1906.

49. Section 20 of *The Municipal Waterworks Act* as amended by 6 Edward VII, Chapter 40, is amended by adding the following subsections:—

(4) The Corporation of every city, town, township and incorporated village having a system of waterworks, shall supply water at all times to all public institutions, situate therein and belonging to or maintained by the Province upon such rents, rates or prices as may be fixed by by-law of the municipality and not exceeding those charged to manufacturers.

(5) The Corporation of every city, town, township and incorporated village violating subsection (4) of this section shall incur a penalty of $50 per diem for every day on which such violation continues in addition to any other penalties by law prescribed, and every officer of the corporation who permits, aids or assists in such violation shall be liable to a penalty of $10 per diem.

50. Chapter 52 of the Statutes passed in the 7th year of His Majesty's reign is amended by adding the following section:

10. The Minister of Education in special cases, may, whether such times have elapsed or otherwise, extend the times limited in this Act for qualifying as provided in sections 3, 4, 6 and 7 for a period not exceeding two years beyond the times respectively set out in such sections.

51. The Lieutenant-Governor in Council may remit to the City of Sault Ste. Marie all unpaid interest due prior to the first day of February, 1909, on debentures of the said City of Sault Ste. Marie amounting to $25,572.50 now held by the Province, provided that the said City of Sault Ste. Marie shall promptly pay when due the full amount of the principal monies of said debentures and also all interest falling due after the first day of February, A.D. 1909, until the principal of the said debentures is fully paid and satisfied.

52. The Provincial Treasurer may accept from any person monies granted for the permanent endowment of any charitable or educational object in Ontario, and invest the same in "Ontario Government Stock" bearing four per

cent. interest payable half-yearly. The principal of the said stock shall be held in the case of charitable grants in the name of the Provincial Treasurer and of the Provincial Secretary for the time being in trust for the charity for which the same is granted, and in the case of educational grants in the name of the Provincial Treasurer and the Minister of Education for the time being in trust for the educational object for which the same is granted, and the interest shall be paid half-yearly to the officer or persons designated by the grantor of said trust funds.

53. Section 6 of *The Statute Law Amendment Act, 1906*, is amended by adding thereto after the word "extent" in the seventh line thereof, the words "at such rate of interest."

54. The parcels of land set out in the Schedule hereto are hereby set apart as a public park to be known as the "Lundy's Lane Park," and the said lands and the control and management thereof are vested in the Commissioners for the Queen Victoria Niagara Falls Park as trustees for the Province, subject to the provisions of this Act.

55. Sections 9, 10, 12, 13, 15 and 18 of *The Queen Victoria Niagara Falls Park Act* shall extend and apply to the Lundy's Lane Park, provided that where it becomes necessary to determine the value of lands taken under this Act by arbitration the Commissioners may, if they think proper, refer the question of the amount of compensation to the Judge of the County Court of the County in which the lands are situate, and such Judge shall act instead of the Official Arbitrators mentioned in *The Act respecting the Public Works of Ontario,* and while so acting shall have all the powers which are conferred upon the Official Arbitrators.

56. The Park shall be open to the public subject to any rules and regulations as to management made by the Commissioners and approved of by the Lieutenant-Governor in Council.

57. The Commissioners shall not carry on or allow to be carried on in the said Park or upon any of the lands so acquired by them, any noisome or offensive trade or business whatever.

58. An offence against any by-law made by the Commissioners of the Queen Victoria Niagara Falls Park shall be punishable upon summary conviction and *The Ontario Summary Convictions Act* shall apply thereto in the same manner as to an offence against any Act of this Province punishable under the said Act.

59. The jurisdiction of the police magistrate of the City of Niagara Falls in accordance with the provisions of the Act to provide for the better government of that part of Ontario situated in the vicinity of the Falls of Niagara shall apply over all offences cognizable by this Act committed on the Lundy's Lane Park or the lands which the Commissioners may acquire and hold under this Act.

60. Section 6 of *The Ontario Insurance Act* is amended by adding thereto subsection 6 as follows:—

(6) In any insurance company incorporated by the Province no transfer of shares whereof the whole amount has not been fully paid up, shall be made without the consent of the directors, and whenever any transfer of shares not fully paid up has been made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been; Provided that if any director present when any such transfer is allowed does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware of such transfer, and is liable so to do, enter on the minute book of the board of directors his protest against the same, and within eight days thereafter causes such protest to be notified, by registered letter, to the Minister in charge of the Insurance Department, and also within the said eight days publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest to such place, such director may thereby, and not otherwise exonerate himself from such liability. R.S.O. 1886, c. 119, s. 49, continued by R.S.O. 1906, c. 79, sections 65 and 83; R.S.O. 1897, c. 191, s. 28, continued by 7 Edw. VII. c. 34, s. 50.

No. 211.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

The Statute Law Amendment Act, 1909.

First Reading, 25th March, 1909.

(*Reprinted with amendments for Committee of the Whole House.*)

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 212

BILL.

1909

An Act to amend The Ontario Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII., c. 34, s. 139 amended.

1. Section 139 of *The Ontario Companies Act* is amended by adding thereto the following words: "The head office of every such company shall be located at some place within the Province of Ontario and every meeting of the shareholders thereof shall be held at such office or at some other place within the said Province of Ontario.

Head office of mining company to be in Ontario.

Removal of head office to Ontario.

2. In case any mining company heretofore incorporated has its head office without this Province, the same shall be removed within the Province within six months after the passing of this Act and upon failure to comply with the requirements of this section, the corporate powers of the company, except so far as is necessary for the winding up of the company, shall be forfeited; provided, however, that no such forfeiture shall affect perjudicially the rights of creditors as they exist at the date of such forfeiture.

No. 212.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Companies Act.

1st Reading, 26th March, 1909.

Mr. LENNOX.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 213 **BILL.** 1908

An Act to amend The Ontario Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 203, s. 123. amended.

Cash Mutual Companies officers not disqualified from being elected directors.

1. Section 123 of *The Ontario Insurance Act* is amended by adding at the beginning thereof the words "Except in the case of a Cash Mutual Company."

Rev. Stat. c. 203, s. 140 amended.

Cash Mutual Companies excepted from the limitation imposed by sec. 140 on insurances on cash-premium principle.

2. Section 140 of *The Ontario Insurance Act* is amended by adding at the end thereof the following proviso:— "Provided always that where any Cash Mutual Company has under section 20 of this Act raised a share of stock capital in compliance with the terms of such section and has deposited with the Minister, or shall hereafter deposit with the Minister, the like securities required of a joint stock company, under paragraph (*a*) of subsection 4 of section 41 of this Act and has likewise complied or shall hereafter comply with the requirements of subsection 5 of said section 41 the limitations in this section provided as to the amount of cash insurances to be effected, shall not apply to such Company.

No. 213.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Insurance Act.

First Reading, 26th March, 1909.

Mr. LENNOX.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 214 1909

BILL.

An Act to regulate the Manufacture of Dairy Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *"The Dairy Products Act."*

"Interpretation "Minister." "Inspector."

2. In this Act the word "Minister" shall mean the Minister of Agriculture, and the word "Inspector" shall mean any inspector appointed under *The Milk, Cheese and Butter Act.*

"Creamery."

"Cheese Factory."

3. In this Act a "Creamery" shall mean any place to which is brought the milk or cream from the herds of three or more persons for the purpose of being manufactured into butter for public sale; and "Cheese Factory" shall mean any place to which is brought the milk from the herds of five or more persons for the purpose of being manufactured into cheese for public sale.

Registration of creameries, cheese factories, etc.

4. On or before the first day of January, 1910, the owner, proprietor or manager of every creamery, cheese factory, milk condensory, milk powder factory or other establishment for the manufacture of milk products shall register with the Minister of Agriculture, on forms to be supplied by him, stating the nature of business carried on, the exact location of the same, and such other information as to ownership as may be required by the Minister, and an exact record of all such registrations shall be kept by the Minister and shall be open to public inspection.

Unregistered places not be condemned without permission of Minister.

5.—(1) On and after the first day of January, 1910, no person or persons, company or corporation shall carry on business in a creamery, milk condensory, milk powder factory or the manufacture of any form of dairy products

in any building or place not recorded in the list referred to in section 4, without first applying to the Minister of Agriculture and receiving from him permission to do so, and this permission shall be granted only after a report upon the same has been filed, signed by an inspector.

Grounds of refusal.

(2). Refusal to grant permission under this section may be based upon lack of proper equipment, or unsanitary conditions.

Appeal to Lieutenant Governor in Council.

(3) An appeal from the decision of the Minister may be made by the applicant to the Lieutenant-Governor in Council whose decision shall be final.

Minister may order the closing of unsanitary premises.

6. Upon the report of an inspector that any creamery, cheese factory, milk condensory, milk powder factory or other place for the manufacture of dairy products is not in a satisfactory sanitary condition or is inadequately equipped for the manufacture of dairy products, the Minister may order the owner or manager of the same to close it down forthwith and it shall be kept closed until such time as the inspector reports that it has been put into a satisfactory sanitary condition and is adequately equipped for the manufacture of dairy products.

Chief makers to have certificate from Dairy School.

7. On and after the first day of January, 1911, no person shall act or be allowed to act as chief maker in any creamery or cheese factory who does not hold a certificate of qualification from the Dairy School of the Ontario Agricultural College or from the Eastern Dairy School.

Special permits.

(*a*) In place of the above certificate of qualification a special permit may be issued at any time by the Minister upon the recommendation of an inspector on the general grounds of experience and competency.

Penalties.

8. Any person violating the provisions of this Act shall, on conviction thereof, be liable to a fine not exceeding $, and, upon refusal to pay the same, shall be liable to imprisonment for a period not exceeding days.

No. 214

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to regulate the Manufacture of Dairy Products.

First Reading, 26th March, 1909.

Mr. DUFF.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 215 **BILL.** 1909

An Act respecting Lunatics.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *"The Lunacy Act."* Short title.

INTERPRETATION.

2. In this Act:— Interpretation.

(*a*) "Contingent right" as applied to land, shall include a contingent and an executory interest; a possibility coupled with an interest whether the object of the gift or limitation or of such interest or possibility be or be not ascertained, and a right of entry, whether immediate or future and whether vested or contingent. R.S.O. c. 336, s. 2; English Act, s. 341. "Contingent right."

(*b*) "Convey" and "conveyance" applied to any person shall mean the execution by such person of every necessary or suitable assurance for conveying or disposing to another land whereof such person is seized, or in which he is entitled to a contingent right, either for the whole estate of the person conveying or for any less estate, together with the performance of all formalities required by law to the validity of such conveyance. R.S.O. c. 336, s. 2; English Act, s. 341. "Convey." "Conveyance."

(*c*) "Court" shall mean the High Court. "Court."

(*d*) "Land" shall include messuages, tenements and hereditaments, corporeal and incorporeal of every tenure or description whatever may be the "Land."

estate or interest therein, and whether entire or undivided. R.S.O. c. 336, s. 2; English Act, s. 341.

"Lunatic." (*e*) "Lunatic" and "lunatics" shall include an idiot and a person of unsound mind.

"Lunacy." (*f*) "Lunacy" shall include idiotcy and unsoundness of mind.

"Mortgage." (*g*) "Mortgage" shall include every interest or property in real or personal estate which is a security for money or moneys worth. English Act, s. 341; R.S.O. c. 336, s. 2.

"Possessed." (*h*) "Possessed" shall be applicable to any vested estate less than a life estate at law or in equity, in possession or in expectancy in any land.

"Seized." (*i*) "Seized" shall be applicable to any vested interest for life or of a greater description, and shall extend to estates at law and in equity in possession or in futurity in any land. R.S.O. c. 336, s. 2; English Act, 1891, s. 28, appended to s. 135 of *Lunacy Act*.

"Stock." (*j*) "Stock" shall include shares and any fund, annuity or security transferable in books kept by any company or society, or by instrument of transfer alone, or by instrument of transfer accompanied by other formalities, and any share or interest therein, and also shares in ships registered under the Acts relating to Merchant Shipping. R.S.O. c. 336, s. 2 and s. 15 (6); English Act, s. 341.

"Trust." "Trustee." (*k*) "Trust" and "Trustee" shall include implied and constructive trusts and cases where the trustee has some beneficial interest, and also the duties incident to the office of personal representative of a deceased person, but not the duties incident to an estate conveyed by way of mortgage. R.S.O. c. 336, s. 2; Eng. Act, s. 341.

JURISDICTION OF HIGH COURT.

Court to have care of lunatics and their estates.

3.—(1) Subject to the provisions of *The Act respecting Lunatic Asylums and the custody of Insane Persons*, the Court shall have all the powers, jurisdiction and authority of His Majesty over and in relation to the persons and estates of lunatics, including the care and the commitment of the custody of lunatics and of their persons and estates. R.S.O. c. 65, s. 2, *amended*.

(2) The Court may make orders for the custody of lunatics and the management of their estates, and every such order shall take effect as to the custody of the person im-

mediately, and as to the custody of the estate upon the completion of the Committee's security. English Act, s. 108 (2).

4. The powers by this Act conferred upon the Court may be exercised by a Judge of the High Court in Chambers. (*New.*) Power of Judge in Chambers.

5. The Court may delegate to a Master, official referee or other officer all or any of the powers of the Court under this Act, except the making of a declaration of lunacy. (*New.*) Power of Master and Official Referee.

DECLARATION OF LUNACY.

6.—(1) The Court upon application supported by evidence may by order declare a person a lunatic if the Court is satisfied that the evidence establishes beyond reasonable doubt that he is a lunatic. Declaration of lunacy.

(2) The application may be made by the Attorney-General for Ontario, by any one or more of the next of kin of the alleged lunatic, by his or her wife or husband, by a creditor or by any other person.

(3) The alleged lunatic and any person aggrieved or affected by the order shall have the right to appeal therefrom.

(4) The practice and procedure on the appeal shall be the same as on an appeal from an order made by the Court, except that an appeal shall lie of right from the Divisional Court to the Court of Appeal.

7.—(1) Where in the opinion of the Court the evidence does not establish beyond reasonable doubt the alleged lunacy, or where for any other reason the Court deems it expedient so to do, instead of making an order under subsection 1 of section 6, the Court may direct an issue to try the alleged lunacy. Court may direct an issue to be tried.

(2) Subject to the provisions of section 8, the issue shall be tried with or without a jury as the Court directing it or the Judge presiding at the trial may order.

(3) The trial shall take place at such time and place as the Court may direct.

(4) On the trial of the issue the alleged lunatic, if within the jurisdiction of the Court, shall be produced, and shall be examined at such time and in such manner, either in open Court or privately (and where the trial is with a jury before the jury retire to consider their verdict) as the presiding Judge may direct, unless the Court by the

order directing the issue or the Judge presiding at the trial dispenses with the production of the lunatic or with his examination.

(5) On the trial of the issue the inquiry shall be confined to the question whether or not the person who is the subject of the inquiry is at the time of the inquiry of unsound mind and incapable of managing himself or his affairs, and the presiding Judge shall make an order in accordance with the result of the inquiry. (*See* R.S.O. c. 65, s. 9.)

(6) The practice and procedure as to the preparation, entry for trial and trial of the issue and all the proceedings incidental thereto shall be the same as in the case of any other issue directed by the Court or a Judge.

(7) The alleged lunatic and any person aggrieved or affected thereby shall have the like right to move against a verdict or to appeal from an order made upon or after the trial as may be exercised by a party to an action in the High Court, including the right of appeal which shall lie without leave from the Divisional Court to the Court of Appeal; and the Court hearing any such motion or appeal shall have the same powers as upon a motion against a verdict or an appeal from a judgment entered at or after the trial of an action.

(8) Subject to the provisions of section 10, the order or judgment of the Court, or, where the issue is tried by a jury, the verdict of the jury shall be final unless set aside upon appeal or motion under the next preceding subsection. (*See* R.S.O. c. 65, ss. 5 to 9.)

Alleged lunatic may have issue tried by jury.

8. An alleged lunatic shall be entitled to demand, by notice in writing to be given to the person applying for the declaration of his lunacy, and also to be filed in the Central Office, at Osgoode Hall, Toronto, at least ten days before the first day of the sittings at which the issue is directed to be tried, that any issue directed to determine the question of his lunacy shall be tried with a jury, and, unless he withdraws such demand before the trial, or the Court is satisfied by personal examination of the lunatic that he is not mentally competent to form and express a wish for a trial by jury and so declares by order, the issue shall be tried by a jury. R.S.O. c 65, s. 5, *amended.*

Examination of alleged lunatic.

9.—(1) For the purposes of the examination mentioned in the next preceding section, or where it is deemed proper for any other purpose, the Court may require the alleged lunatic to attend at such convenient time and place as the Court may appoint.

(2) The Court may by order require an alleged lunatic to attend and submit to examintion by one or more medical practitioners at such time and place as the order directs.

SUPERSEDING DECLARATION OF LUNACY.

10.—(1) Upon application at any time after the expiration of one year from the date of the order by which a person has been declared a lunatic, or sooner by leave of the Court, the Court, if satisfied that such person has become of sound mind and capable of managing his own affairs, may make an order so declaring. See English sections 59 (1) 6 of the Act of 1890-1891.

(2) Any such order shall be subject to appeal as provided by subsections 2 and 3 of section 6.

(3) Instead of making an order under subsection 1, the Court may direct an issue to try the question of the restoration to sanity of the person so formerly declared or adjudged a lunatic.

(4) Any issue so directed shall be subject to the provisions of sections 7, and of section 8.

(5) Where a person formerly declared a lunatic has been found to be of sound mind and capable of managing his own affairs and the time for appealing from or moving against the order or verdict has expired, or if an appeal be taken or a motion made, when the same has been finally dismissed, an order may be issued superseding, vacating and setting aside the order declaring the lunacy of such person for all purposes except as to acts or things done in respect of the person or estate of the lunatic while such order was in force.

COMMITTEES OF ESTATES OF LUNATICS.

11. Where a committee of the estate of a lunatic has been appointed Property of Lunatics.

(*a*) The committee shall, within six months after being appointed, file in the office of the Master to whom the matter is referred, or of such officer as may be appointed for that purpose, a true inventory of the whole real and personal estate of the lunatic, stating the income and profits thereof, and setting forth the debts, credits and effects of the lunatic, so far as the same have come to the knowledge of the committee; The committee to file an inventory of personal property;

(*b*) If any property belonging to the estate is discovered after the filing of an inventory, the committee shall file a true account of the same from time to time, as it is discovered; After discovered property;

(*c*) Every inventory and account shall be verified by the oath of the committee; To be verified on oath;

Security to be given by the committee.

(*d*) The committee shall give security with two or more sureties in double the amount of the personal estate, and of the annual rents and profits of the real estate, for duly accounting for the same once in every year or oftener if required by the Court, for filing the inventory and for the payment into Court of the balances in his hands upon such accounting forthwith after the same shall have been ascertained or otherwise as the Court may direct; and

(*e*) The security shall be taken by bond in the name of the Accountant of the Supreme Court, and shall be filed in his office. R.S.O. 1897, c. 65, s. 10, *amended*. (*See* R.S.O. 1897, c. 220, s. 3.)

MANAGEMENT AND ADMINISTRATION.

12. The powers conferred by this Act as to the management and administration of a lunatic's estate shall be exercisable in the discretion of the Court for the maintenance or benefit of the lunatic or of his family or where it appears to be expedient, in the due course of management of the property of the lunatic. English Act, s. 116 (4).

13. Nothing in this Act shall subject a lunatic's property to claims of his creditors further than the same is now subject thereto by due course of law. English Act, s. 116 (5).

English Lunacy Act, 1890-1. sect. 117.

14.—(1) The Court may order that any property of the lunatic, whether present or future, be sold, charged, mortgaged, dealt with or disposed of as may be deemed most expedient for the purpose of raising or securing or repaying with or without interest money which is to be or has been applied for any of the purposes following:

(*a*) Payment of the lunatic's debts or engagements;

(*b*) Discharge of any encumbrance on his property;

(*c*) Payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit;

(*d*) Payment of or provision for the expenses of his future maintenance.

(2) Where a charge or mortgage is made under this Act for the expenses of future maintenance, the Court may direct the same to be payable either contingently, if the interest charged is contingent or future, or upon the happening of the event if the interest is dependent on an

event which must happen, and either in a gross sum or in annual or other periodical sums, and at such times and in such manner as may be deemed expedient.

Sect. 118.

15.—(1) The Court may order that the whole or any part of any moneys expended or to be expended under an order of the Court for the permanent improvement, security, or advantage of the property of the lunatic, or of any part thereof, shall, with interest, be a charge upon the improved property or any other property of the lunatic, but so that no right of sale or foreclosure during the lifetime of the lunatic be conferred by the charge.

Order charging lunatic's estate.

(2) The interest shall be kept down during the lunatic's lifetime out of the income of his general estate, as far as the same is sufficient to bear it.

(3) The charge may be made either to some person advancing the money or, if the money is paid out of the lunatic's general estate, to some person as trustee for him as part of his personal estate.

English Lunacy Act, 1890-1, Sect. 120

16. The Court may, by order, authorize and direct the committee of the estate of a lunatic to do all or any of the following things:

Disposing of lunatic's estate.

(*a*) Sell any property belonging to the lunatic;

(*b*) Make exchange or partition of any property belonging to the lunatic or in which he is interested, and give or receive any money for equality of exchange or partition;

(*c*) Carry on any trade or business of the lunatic;

(*d*) Grant leases of any property of the lunatic for building, agricultural, or other purposes;

(*e*) Grant leases of minerals forming part of the lunatic's property, whether the same have been already worked or not and either with or without the surface or other land;

(*f*) Surrender any lease and accept a new lease;

(*g*) Accept a surrender of any lease and grant a new lease;

(*h*) Execute any power of leasing vested in a lunatic having a limited estate only in the property over which the power extends;

(*i*) Perform any contract relating to the property of the lunatic entered into by him before his lunacy;

(*j*) Surrender, assign, or otherwise dispose of with or without consideration any onerous property belonging to the lunatic;

(*k*) Exercise any power or give any consent required for the exercise of any power where the power is vested in the lunatic for his own benefit or the power of consent is in the nature of a beneficial interest in the lunatic.

Sect. 121.

Exchange or renewal of lease.

17. Any property taken in exchange and any renewed lease accepted on behalf of a lunatic under the powers of this Act, shall be to the same uses and be subject to the same trusts, charges, encumbrances, dispositions, devises, and conditions as the property given in exchange or the surrendered lease was or would, but for the exchange or surrender, have been subject to.

Sect. 122.

Leasehold estates.

18.—(1) The power to authorize leases of a lunatic's property under this Act shall extend to property of which the lunatic is tenant in tail, and every lease granted pursuant to any order under this Act shall bind the issue of the lunatic and all persons entitled in remainder and reversion expectant upon the estate tail of the lunatic, including the Crown, and every person to whom from time to time the reversion expectant upon the lease belongs upon the death of the lunatic shall have the same rights and remedies against the lessee, his executors, administrators, and assigns, as the lunatic or his committee would have had.

(2) Leases authorized to be granted or accepted by or on behalf of a lunatic under this Act may be for such number of lives or such term of years, at such rent and royalties, and subject to such reservations, covenants, and conditions as the Court approves.

(3) Premiums or other payments on the renewal of leases may be paid out of the lunatic's estate, or charged with interest on the leasehold property.

Sect. 123.

Moneys raised by mortgage.

19.—(1) The lunatic, his heirs, executors, administrators, next of kin, devisees, legatees, and assigns, shall have the same interest in any moneys arising from any sale, mortgage, or other disposition, under the powers of this Act which may not have been applied under such powers, as he or they would have had in the property the subject of the sale, mortgage, or disposition, if no sale, mortgage or disposition had been made, and the surplus moneys shall be of the same nature as the property sold, mortgaged or disposed of.

(2) Moneys received for equality of partition and exchange, or under any lease of unopened mines, and all

premiums and sums of money received upon the grant or renewal of a lease, where the property the subject of the partition, exchange or lease was land of the lunatic, shall, subject to the application thereof for any purposes authorized by this Act, as between the representatives of the real and personal estate of the lunatic, be considered as real estate, except in the case of premiums and sums of money received upon the grant or renewal of leases of property of which the lunatic was tenant for life, in which case the premiums and sums of money shall be personal estate of the lunatic.

(3) In order to give effect to this section the Court may direct any money to be carried to a separate account, and may order such assurances and things to be executed and done as may be deemed expedient.

Sect. 124.

Committee to represent lunatic.

20. The committee of the estate or such person as the Court approves, shall in the name and on behalf of the lunatic, execute and do all such assurances and things for giving effect to any order under this Act as the Court directs, and every such assurance and thing shall be valid and effectual and shall take effect accordingly, subject only to any prior charge to which the property affected thereby at the date of the order is subject.

Sect. 128.

Lunatic trustee or guardian.

21. Where a power is vested in a lunatic in the character of trustee or guardian, or the consent of a lunatic to the exercise of a power is necessary in the like character, or as a check upon the undue exercise of the power, and it appears to the Court to be expedient that the power should be exercised or the consent given, the committee of the estate, in the name and on behalf of the lunatic, under an order of the Court made upon the application of any person interested, may exercise the power or give the consent in such manner as the order directs.

Sect. 129.

When lunatic has power to appoint trustee

22. Where the Court exercises, in the name and on behalf of the lunatic, a power of appointing new trustees vested in the lunatic, the Court, where it seems to be for the lunatic's benefit and also expedient, may make any order respecting the property subject to the trust which might have been made in the same case under *The Trustee Act*, or *The Trustee Relief Act* on the appointment thereunder of a new trustee or new trustees.

Sect. 127.

When lunacy is temporary.

23.—(1) Where it appears to the Court that there is reason to believe that the unsoundness of mind of any lunatic so found is in its nature temporary, and will probably be soon removed, and that it is expedient that temporary provision should be made for the maintenance of the lunatic, or of the lunatic and the members of his

immediate family who are dependent upon him for maintenance, and that any sum of money arising from or being in the nature of income or of ready money belonging to the lunatic, and standing to his account with a banker or agent, or being in the hands of any person for his use, is readily available and may be safely and properly applied in that behalf, the Court may allow thereout such amount as may be deemed proper for the temporary maintenance of the lunatic or of the lunatic and the members of his immediate family who are dependent upon him for maintenance, and may, instead of proceeding to order a grant of the custody of the estate, order or give liberty for the payment of any such sum of money, or any part thereof, to such person as, under the circumstances of the case, it may be thought proper to entrust with the application thereof, and may direct the same to be paid to such person accordingly, and when received to be applied and the same shall accordingly be applied in or towards such temporary maintenance.

(2) The receipt in writing of the person to whom payment is to be made for any moneys payable to him by virtue of an order under this section shall be a good discharge, and every person is hereby directed to act upon and obey every such order.

(3) The person receiving any money by virtue of an order under this section shall pass an account thereof when and as the Court may direct.

VESTING ORDERS.

Stock transfer.

24. Where any stock is standing in the name of or is vested in a lunatic beneficially entitled thereto, or is standing in the name of or vested in the committee of the estate of a lunatic so found, in trust for the lunatic, or as part of his property, and the committee dies intestate, or himself becomes a lunatic, or is out of Ontario, or it is uncertain whether the committee is living or dead, or he neglects or refuses to transfer the stock, or to receive or pay over the dividends thereof as directed by an order of the Court, then the Court may order some fit person to transfer the stock to or into the name of a new committee, or of the Accountant of the Supreme Court, or otherwise, and also to receive and pay over the dividends in such manner as the Court directs. R.S.O. c. 341, s. 14, except concluding two lines, for which see post sec. 25; Eng. s. 133.

Stock vested non-resident.

25. Where any stock is standing in the name of or vested in a person residing out of Ontario, the Court upon proof that he has been declared a lunatic and that his personal estate has been vested in a person appointed

for the management thereof according to the law of the place where he is residing, may order some fit person to make such transfer of the stock or any part thereof to or into the name of the person so appointed or otherwise, and also to receive and pay over the dividends thereof as the Court may direct. R.S.O. c. 341, s. 15, except last two lines, for which *see* s. 25; Eng. s. 134.

Lunatic joint trustee or mortgagee.

26.—(1) Where a lunatic is solely or jointly seized or possessed of any land upon trust or by way of mortgage, the Court may by order vest such land in such person or persons for such estate and in such manner as the Court directs. (English Act, s. 135, covers s. 6 of R.S.O. c. 336, except three last lines, as to which *see* ss. 3.)

(2) Where a lunatic is solely or jointly entitled to a contingent right in any land upon trust or by way of mortgage the Court may by order release such land from the contingent right and dispose of the same to such person as the Court shall direct. (Eng. s. 135 (2) covers s. 7 of R.S.O. c. 336, except last two lines. *See* subsection 3.)

(3) An order made under subsections 1 and 2 shall have the same effect as if the trustee or mortgagee had been sane and had executed a deed conveying the land for the estate named in the order, or releasing or disposing of the contingent right. (Eng. Act, s. 135, ss. 3.)

(4) Where an order may be made under this section, the Court may, if it is more convenient, appoint a person to convey the land or release the contingent interest, and a conveyance or release by such person in conformity with the order shall have the same effect as an order under subsections 1 and 2. (*See* R.S.O. c. 336, s. 13. Eng. s. 135, ss. (4) covers R.S.O. c. 336, s. 14 *in part*.)

Lunatic trustee or mortgagee of stock or chose in action.

27.—(1) Where a lunatic is solely entitled to any stock or chose in action upon trust or by way of mortgage, the Court may by order vest in any person the right to transfer or to call for a transfer of the stock or to receive the dividends thereof, or vest in any person the chose in action, or any interest in respect thereof.

(2) Where any person is jointly entitled with a lunatic to any stock or chose in action upon trust or by way of mortgage the Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof either in such person alone or jointly with any other person. (English s. 136, ss. 1 and 2 covers R.S.O. c. 336, s. 16.)

(3) Where any stock is standing in the name of a deceased person whose personal representative is a lunatic or where a chose in action is vested in a lunatic as the

personal representative of a deceased person, the Court may make an order vesting the right to transfer or to call for a transfer of the stock or to receive the dividends thereof or vesting the chose in action or any interest in respect thereof in any person whom the Court may appoint. English s. 3; R.S.O. c. 336, s. 17.

(4) Where an order may be made under this section the Court may if it is more convenient appoint some fit person to make or join in making the transfer. English s. 4; R.S.O. c. 336, s. 14.

Execution of powers of attorney and transfers.

28.—(1) The person in whom the right to transfer or to call for a transfer of any stock is vested may execute and do all powers of attorney, assurances and things to complete the transfer, according to the order, and the transfer shall be valid and effectual to all intents and purposes; and banks and other companies and their officers and all other persons shall be bound to obey every such order according to its terms. (Eng. s. 135 (5); R.S.O. c. 336, s. 15 (3); and s. 2.).

(2) After notice in writing of an order under this Act, it shall not be lawful for a bank or other company to transfer stock to which the order relates or pay any dividends except in accordance with the order. (Eng. Act, s. 136, (6); R.S.O. c. 336, s. 15 (4).

Order to be complete discharge.

29. This Act and every order purporting to be made under this Act shall be a full indemnity and discharge to any bank and other company and society and their respective officers and servants, and all other persons for all acts and things done or permitted to be done pursuant thereto so far as relates to any property in which a lunatic is interested either in his own right or as trustee or mortgagee, and it shall not be necessary to enquire into the propriety of any order purporting to be made under this Act relating to any such property or the jurisdiction to make the same. (Eng. Act, s. 333; R.S.O. c. 336, s. 19.)

Order to be conclusive evidence of lunacy.

30. The fact that an order made under this Act for conveying or vesting land or releasing or disposing of a contingent right has been founded on an allegation of the lunacy of a trustee or mortgagee, shall be conclusive evidence of the fact alleged in any Court upon any question as to the validity of the order; but this section shall not prevent the Court from directing a reconveyance of any land or contingent right dealt with by the order, or from directing any party to any proceeding concerning such land or right to pay any costs occasioned by the order, where the same appears to have been improperly obtained. (Eng. Act, s. 140, modified to include portion of s. 40

of *Trustee Act, 1893;* which is applicable, founded on s. 44 of *Trustee Act*, 13 and 14 Vict. c. 60, embodied in R.S.O. c. 336, s. 26.)

Order vesting in trustees of charities.

31. The powers conferred by this Act as to vesting orders may be exercised for vesting any land, stock or chose in action in the trustee or trustees of any charitable society or in any incorporated charitable body over which the Court would have jurisdiction upon action duly instituted, whether the appointment of such trustee or trustees was made by instrument under a power or by the Court under its general or statutory jurisdiction. R.S.O. c. 336, s. 27; Eng. s. 138.

Powers of court.

32. The Court may make declarations and give directions concerning the manner in which the right to any stock or chose in action vested under the provisions of this Act is to be exercised. R.S.O. c. 336, s. 15 (5); Eng. Act, s. 139.

Appointment of new trustee.

33. Where the Court has jurisdiction to order a conveyance or transfer of land or stock or to make a vesting order, an order may also be made appointing a new trustee or trustees. English Act, s. 141.

MISCELLANEOUS PROVISIONS.

Money in and belonging to lunatic in Great Britain, Ireland or any other part of Canada.

34. Where there is money in any Court to the credit of a person who has been found or who is alleged to be a lunatic and such person is resident in Great Britain or Ireland or in any part of Canada, other than the Province of Ontario, upon production of an order made by a Superior Court exercising jurisdiction where such person is resident, authorizing any person to receive such money, the Court may make an order for payment of such money to the person designated in the order to receive the same. (*New.*)

Costs.

35. The Court may order the costs, charges and expenses of and incidental to orders, issues, directions, conveyances, transfers and all proceedings of whatever nature under this Act to be paid by any party to the application, issue or proceeding or out of the estate of the lunatic or alleged lunatic or partly in one way and partly in another.

Rules.

36.—(1) The Supreme Court may make rules for carrying this Act into effect and for regulating the costs in relation thereto and except where inconsistent with the provisions of this Act, or such rules, *The Judicature Act* and Rules made thereunder shall apply to proceedings under this Act.

(2) The provisions of *The Judicature Act* as to the promulgation of rules made thereunder and the effect thereof, shall apply to rules made under the authority of this section.

REPEAL.

Repeal.

37. Chapter 65 of the Revised Statutes of Ontario, 1897; Chapter 341 of the said Revised Statutes (except section 3); and sections 6, 7, 16 and 17 of Chapter 336 of the said Revised Statutes are repealed.

No. 215.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Lunatics.

First Reading, 26th March, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 216 **BILL.** 1909

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat., c. 162 sec. 31 amended.

1. Section 31 of *The Marriage Act* as enacted by *The Statute Law Amendment Act, 1907*, is hereby amended by adding thereto the following subsections:—

A judgment that a marriage is not valid not to be made by consent or in default of appearance or pleading.

(6) No declaration or adjudication that a valid marriage was not effected or entered into shall be made or pronounced under the authority of this section upon consent of parties, admissions, or in default of appearance or of pleading or otherwise than after a trial.

Evidence to be *viva voce* in open court.

(7) At every such trial the evidence shall be taken *viva voce* in open court, but nothing in this subsection shall prevent the use of the depositions of witnesses residing out of Ontario or of witnesses examined *de bene esse*, where, according to practise of the court, such depositions may be read in evidence.

Court may require parties to be examined.

(8) The court may of its own motion require both or either of the parties to be examined before the court touching the matters in question in the action.

Notice to Attorney-General.

(9) No trial shall be had until after ten days' notice to the Attorney-General for Ontario.

Attorney-General may intervene.

(10) The Attorney-General may intervene at the trial or at any stage of the proceedings and may adduce evidence, examine and cross-examine witnesses in like manner as a party defendant and shall have the same right of appeal from any such declaration or adjudication as a party defendant has.

No. 216.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Marriage Act.

First Reading, 26th March, 1909.

Mr. Foy.

TORONTO
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 217 **BILL.** 1909

An Act to amend The Act respecting Mortgages of Real Estate.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

1. *The Act respecting Mortgages of Real Estate* is amended by adding thereto the following section:— Rev. Stat. c. 121 amended.

35.—(1) Where a sale has been effected in professed exercise of a power of sale in a mortgage, or in a charge, and the property has been offered for sale by public auction, after advertisement, the title of the purchaser shall not be liable to be impeached, except within two years from the time the purchaser shall have taken possession, unless proceedings have been taken to declare the same invalid; but any person damnified by any unauthorized, improper or irregular exercise of such power, shall have his remedy against the person selling. Purchase at sale under power of sale not to be impeached after two years.

(2) This section shall not apply to sales made prior to the passing of this Act, nor until the first day of July, 1910. Application and commencement of section.

No. 217.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Act respecting Mortgages of Real Estate.

First Reading, 26th March, 1909.

Mr. McPherson.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 218 1909

BILL.

An Act to amend The University Act, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short Title.

1. This Act may be cited as *The University Amendment Act, 1909*.

6 Edw. VII., c. 55, s. 77 amended. Superintendent of Education to be member of Council of Faculty of Education.

2. Section 77 of *The University Act, 1906*, is hereby amended by adding thereto the following words: "except in the case of the Council of the Faculty of Education, which shall consist of the teaching staff thereof and the Superintendent of Education."

No. 218.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The University Act, 1906.

First Reading, 29th March, 1909.

Mr. PYNE.

TORONTO.
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 219 1909

BILL.

An Act to amend and consolidate the law relating to the payment of Succession Duty.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Short title.

1. This Act may be cited as *"The Succession Duty Act."* 7 Edw. VII. c. 10, s. 1.

Interpretation.

2.—(1) In this Act:—

"Aggregate value."

(*a*) "Aggregate value" shall mean the value of the property after the debts, encumbrances and other allowances authorized by section 5 are deducted therefrom, and for the purposes of determining the aggregate value and the rate of duty payable the value of property situate out of Ontario shall be included;

"Beneficial interest." "Dutiable value."

(*b*) "Beneficial interest" and "dutiable value" shall mean the value of the property after the debts, encumbrances, and other allowances and exemptions authorized by this Act are deducted therefrom.

"Child."

(*c*) "Child" shall include any lawful child of the deceased or any lineal descendant of such child born in lawful wedlock or any person adopted while under the age of twelve years by the deceased as his child or any infant to whom the deceased for not less than five years immediately preceding his death stood in *loco parentis* or any lineal descendant of such adopted child or infant as aforesaid born in lawful wedlock;

"Executor."

(*d*) "Executor" shall include administrator;

"Interest in expectancy."

(*e*) "Interest in expectancy" shall include an estate, income or interest in remainder or reversion and any other future interest whether vested or contingent but not as including a reversion expectant on the determination of a lease;

"Passing on the death."

(*f*) "Passing on the death" shall mean passing either immediately on the death or after an interval, either certainly, or contingently, and either originally or by way of substitutive limitation, whether the deceased was at the time of his death domiciled in Ontario or elsewhere;

"Property."

(*g*) "Property" shall include real and personal property of every description and every estate and interest therein capable of being devised or bequeathed by will or of passing on the death of the owner to his heirs or personal representatives;

"Treasurer."

(*h*) "Treasurer" shall mean the Treasurer of the Province of Ontario. 7. Edw. VII. c. 10, s. 3.

What dispositions and devolutions of property shall confer successions.

3. Every past or future disposition of property, by reason whereof any person has or shall become beneficially entitled to any property or the income thereof upon the death happening after the 1st day of July, 1892, of any person domiciled in Ontario, either immediately or after any interval, either certainly or contingently, and either originally, or by way of substitutive limitation, and every devolution by law of any beneficial interest in property, or the income thereof, upon the death of any person so domiciled to any other person in possession or expectancy shall be deemed to have conferred or to confer on the person entitled by reason of any such disposition or devolution a "succession," and the term "successor" shall denote the person so entitled.

Application of Act.

4. For the purpose of raising a revenue for Provincial purposes, save as is hereinafter otherwise expressly provided, there shall be levied and paid for the use of the Province a duty at the graduated rates hereinafter mentioned upon every disposition or devolution of property which has passed and upon every succession on the death of any person who has died on or since the 1st day of July, 1892, or passing on the death of any person who shall hereafter die, according to the fair market value of such property at the date of the death of such person. 7 Edw. VII. c. 10, s. 2.

Allowances made in computing dutiable value.

5.—(1) In determining dutiable value or beneficial interest the value shall be taken as at the date of the death of the deceased, and allowance shall be made for

reasonable funeral expenses, debts and encumbrances and Surrogate Court fees (not including solicitor's charges); and any debt or encumbrance for which an allowance is made shall be deducted from the value of the land or other subject of property liable thereto; but an allowance shall not be made:—

No allowance to be made for certain debts and expenses of administration.

(*a*) For any debts incurred by the deceased or encumbrances created by a disposition made by him unless such debts or encumbrances were created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and to take effect out of his estate; nor

(*b*) For any debt in respect whereof there is a right to reimbursement from any other estate or person unless such reimbursement cannot be obtained; nor

(*c*) More than once for the same debt or encumbrance charged upon different portions of the estate; nor

(*d*) Save as aforesaid, for the expense of the administration of the estate or the execution of any trust created by the will of the deceased or by any instrument made by him in his lifetime. 7 Edw. VII. c. 10, s. 4.

(2) Where any property passing on the death of the deceased is situate in any part of the British Dominions other than in Ontario, or in a foreign country in respect of which no allowance of duty is made under section 9, and the Treasurer is satisfied that by reason of such death any duty is payable there in respect of that property he may make an allowance of the amount of that duty from the value of the property.

Exemptions.

6. No duty shall be leviable,—

Estates not exceeding $10,000.

(1) On any estate the aggregate value of which does not exceed $10,000;

Charitable bequests.

(2) On property devised or bequeathed for religious, charitable or educational purposes to be carried out in Ontario or by a corporation or a person resident in Ontario, or on the amount of any unpaid subscription for any like purpose made by any person in his lifetime to any corporation or person mentioned in this subsection for which his estate is liable;

Property passing to certain persons not over $50,000.

(3) On property passing by will, intestacy, or otherwise to or for the use of a grandfather, grandmother, father, mother, husband, wife, child, daughter-in-law or son-in-law of the deceased where the value of the property of the deceased does not exceed $50,000;

Life insurance not exceeding $5,000.

(4) On any moneys received under a contract of insurance effected by any person on his life payable to any of the persons mentioned in subsection 3 whether as nominee or assignee or under the provision of a will or otherwise when the aggregate of such insurance or insurances does not exceed $5,000;

(5) On any bond, debenture or other security issued by a corporation having its head office in Ontario where the same are transferable on a register at any place out of Ontario and are owned or held by a person not domiciled at the time of his death in Ontario.

To one person not over $300.

(6) Where the whole value of any property passing to any one person does not exceed $300 the same shall be exempt from payment of duty. 7 Edw. VII. c. 10, s. 6.

Property subject to duties.

7. The following property as well as all other property subject to succession duty upon a succession shall be subject to succession duty at the rates hereinafter imposed;

Property in Ontario whether deceased domiciled in Ontario or elsewher.

(1) All property situate in Ontario and any income therefrom passing on the death of any person, whether the deceased was at the time of his death domiciled in Ontario or elsewhere;

Specialty debts.

(2) Debts and sums of money due and owing from persons in Ontario to any deceased person at the time of his death on obligation or other specialty shall be property of the deceased situate in Ontario, without regard to the place where the obligation or specialty shall be at the time of the death of the deceased;

Property deemed to pass on the death.

(3) Property passing on the death of the deceased shall be deemed to include for all purposes of this Act the following property:—

Property transferred in contemplation of death.

(*a*) Any property, or income therefrom voluntarily transferred by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, bargainor, vendor, or donor or made or intended to take effect in possession or enjoyment after such death to any person in trust or otherwise or the effect of which is that any person becomes beneficially entitled in possession or expectancy to such property or income;

Donatio mortis causa, etc.

(*b*) Any property, taken as a *donatio mortis causa* or taken under a disposition purporting to operate as an immediate gift *inter vivos*, whether by way of transfer, delivery, declaration of trust or otherwise, which shall not have been *bona fide* made twelve months before the death of

the deceased, or property, taken under any gift, whenever made, of which property *bona fide* posession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise;

Property vested jointly with interest to survivor.

(*c*) Any property which a person having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself, and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone or in concert, or by arrangement with any other person;

Property passing under settlement, etc.

(*d*) Any property, passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not, as between the settlor and any other person, made by deed or other instrument not taking effect as a will whereby an interest in such property or the proceeds of sale thereof for life, or any other period determinable by reference to death, is reserved, either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof;

Annuities, insurance, etc.

(*e*) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased.

Policies of insurance.

(*f*) Money received under a policy of insurance effected by any person on his life, where the policy is wholly kept up by him for the benefit of any existing or future donee, whether nominee or assignee, or for any person who may become a donee, or a part of such money in

proportion to the premiums paid by him, where the policy is partially kept up by him for such benefit;

Property over which decedent had power of disposal.

(*g*) Any property of which the person dying was at the time of his death competent to dispose; and a person shall be deemed competent to dispose of property if he has such an estate or interest therein or such general power as would if he were *sui juris* enable him to dispose of the property as he thinks fit, whether the power is exercisable by instrument *inter vivos* or by will or both, including the powers exercisable by a tenant in tail whether in possession or not, but exclusive of any power exercisable in a fiduciary capacity under a disposition not made by himself or as mortgagee. A disposition taking effect out of the interest of the person so dying shall be deemed to have been made by him whether concurrence of any other person was or was not required. Money which a person has a general power to charge on property shall be deemed to be property of which he has the power to dispose;

Dower and curtesy.

(*h*) Any estate in dower or by the curtesy in any land of the person so dying of which the wife or husband of the deceased becomes entitled on the decease of such person.

Property transferred for full consideration not liable.

(5) Nothing in this Act shall render liable for duty any property *bona fide* transferred for a consideration in money or money's worth, paid to the vendor or grantor for his own use and benefit, except to the extent, if any, to which the value of the property transferred exceeds that of the consideration so paid.

Rates of duty.

8. Save as aforesaid there shall be levied and paid for the use of the Province in respect of any succession or on property passing on the death according to the dutiable value the following duties over and above the fees paid under *The Surrogate Courts Act*:—

Where property passes to grandparents, etc., and exceeds $50,000.

(1) Where the aggregate value of the property exceeds $50,000, and any property passes in manner hereinbefore mentioned, either in whole or in part, to or for the benefit of the grandfather, grandmother, father, mother, husband, wife, child, son-in-law or daughter-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty at the rate and on the scale as follows:—

Where the aggregate value

(*a*) Exceeds $50,000 and does not exceed $75,000, 1 per cent.;

(*b*) Exceeds $75,000 and does not exceed $100,000, 2 per cent.;

(*c*) Exceeds $100,000 and does not exceed $150,000, 3 per cent.;

(*d*) Exceeds $150,000 and does not exceed $200,000, 4 per cent.;

(*e*) Exceeds $200,000, 5 per cent.

Additional where share of any person exceeds $100,000.

(2) Provided that where the aggregate value of the property exceeds $100,000, and the value of the property passing in manner hereinbefore mentioned to any one person mentioned in the next preceding subsection exceeds the amount hereinafter mentioned, a further duty shall be paid on the amount so passing in addition to the rates in the next preceding subsection mentioned, as follows:—

Where the whole amount so passing to one person,—

(*a*) Exceeds $100,000 and does not exceed $200,000, 1 per cent.;

(*b*) Exceeds $200,000 and does not exceed $400,000, 1½ per cent.

(*c*) Exceeds $400,000 and does not exceed $600,000, 2 per cent.;

(*d*) Exceeds $600,000 and does not exceed $800,000 2½ per cent.;

(*e*) Exceeds $800,000 and does not exceed $1,000,000, 3 per cent.;

(*f*) Exceeds $1,000,000 and does not exceed $1,200,000, 4 per cent.;

(*g*) Exceeds $1,200,000, 5 per cent.

Rate of duty where property passes to brothers, sisters, etc.

(3) Where the aggregate value of the property exceeds $10,000, so much thereof as passes to or for the benefit of any lineal ancestor of the deceased, except the grandfather, grandmother, father and mother, or to any brother or sister of the deceased, or to any descendant of such brother or sister, or to a brother or sister of the father or mother of the deceased, or to any descendant of such last mentioned brother or sister, shall be subject to a duty of five per cent.

Additional duty where more than $50,000 passes to any person.

(4) Provided that where the aggregate value of the property exceeds $50,000, and the amount passing in manner aforesaid to any one person mentioned in the next preceding subsection, except the grandfather, grandmother, father, and mother, exceeds the amount hereinafter men-

tioned, a further duty shall be paid on the amount so passing in addition to the duty in the next preceding subsection mentioned as follows:—

Where the whole amount so passing to one person,—

(*a*) Exceeds $50,000 and does not exceed $100,000, 1 per cent.;

(*b*) Exceeds $100,000 and does not exceed $150,000, 1½ per cent.;

(*c*) Exceeds $150,000 and does not exceed $200,000, 2 per cent.;

(*d*) Exceeds $200,000 and does not exceed $250,000, 2½ per cent.;

(*e*) Exceeds $250,000 and does not exceed $300,000 3 per cent.;

(*f*) Exceeds $300,000 and does not exceed $350,000 3½ per cent.;

(*g*) Exceeds $350,000 and does not exceed $400,000, 4 per cent.;

(*h*) Exceeds $400,000 and does not exceed $450,000, 4½ per cent.;

(*i*) Exceeds $450,000, 5 per cent.

(5) The additional duty provided for by subsections 2 and 4 shall be payable on the property in Ontario, where the deceased dies domiciled elsewhere than in Ontario, but for the purpose of fixing the rate of such duty, the beneficial interest in property out of Ontario passing to the successor or other person on the same death shall be added to the value of the property in Ontario, and nothing in this Act shall be construed to impose any duty, directly or otherwise, on property out of Ontario owned by any deceased person so domiciled.

Rate where property passes to other persons.

(6) Where the aggregate value of the property exceeds $10,000, so much thereof as passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above mentioned, or to or for the benefit of any stranger in blood to the deceased, save as is hereinbefore provided, shall be subject to a duty of ten per cent. 7 Edw. VII. c. 10, s. 6.

Allowance for duty paid elsewhere on same death.

9. Where the Treasurer is satisfied that in any part of the British Dominions other than Ontario, or any foreign country to which this section applies, any estate, legacy, or succession duty is paid by reason of a death in respect of any property situate therein and passing on such death, an allowance for the amount so paid shall be made

by this Province to the extent of the duty payable under this Act on the same property, and the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in this Act as will equal the difference between the duty payable under this Act with respect to property in Ontario and the duty or tax so paid elsewhere; provided that allowance for any estate, succession or legacy duty or tax paid elsewhere than in Ontario shall be made under this section only where an allowance is made for the succession duty paid under this Act on property situate in Ontario, passing on the death of any person domiciled elsewhere than in Ontario, and the Lieutenant-Governor in Council shall have extended the provisions of this section as to such allowance by this Province, so as to apply to such part of the British Dominions or to such foreign country. Provided also that the Lieutenant-Governor in Council may revoke any such order, where it appears that the law of such part of the British Dominions or foreign country has been so altered that it would not authorize the making of an order under this section.

Proviso.

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10. No foreign executor shall assign or transfer any bond, debenture, stock or share of any bank or other corporation whatsoever having its head office in Ontario standing in the name of the deceased person, or in trust for him until the duty, if any, is paid or security is given as required by section 11, and any such bank or corporation allowing a transfer of any debenture, bond, stock or share contrary to this section shall be liable for such duty. 7 Edw. VII. c. 10, s. 6 (10).

Foreign executors, etc., not to transfer stock until duty paid.

11.—(1) An executor or administrator applying for letters probate or letters of administration to the estate of a deceased person shall, before the issue of letters probate or of administration to him, make and file with the Surrogate Registrar a full, true and correct statement under oath showing:

Executors, etc., to file inventory and bonds for payment of duty.

(*a*) A full inventory in detail of all the property of the deceased person and the market value thereof, and

(*b*) The several persons to whom the same passes, their places of residence and the degrees of relationship, if any, in which they stand to the deceased;

and the executor or administrator shall, before the issue of letters probate or of administration, deliver to the Surrogate Registrar a bond in a penal sum not exceeding ten per centum of the sworn value of the property of the deceased person liable, or which may become liable, to succession

duty, executed by himself and two sureties, to be approved by the Registrar, conditioned for the due payment to His Majesty of any duty for which such executor or administrator may be found liable.

(2) The Treasurer may accept a sufficient sum as security for the due payment of any duty, for which any executor, successor or other person accountable for the same may become liable, in lieu of or in addition to any other security, and he may in such case allow and pay to the executor or other person accountable, interest thereon at a rate not exceeding three per cent. per annum upon so much thereof as from time to time exceeds the amount of duty which has become payable under this Act.

Where no executor or administrator accountable for duty.

(3) Every person to whom property passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing, or the management thereof, is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the duty, and shall within six months after the death of the deceased, or such later time as may be allowed by the Treasurer, send by registered letter to the Treasurer an account of the property, verified on oath; provided that this subsection shall not apply to property included in the inventory mentioned in subsection 1.

Proviso.

Property not disclosed on application for probate, etc.

(4) If at any time it shall be discovered that any property was not disclosed upon the grant of letters probate or of administration or the filing of the account, the person acting in the administration of such property and the person who is liable for the duty payable under this Act shall pay to the Treasurer the amount which, with the duty (if any) previously payable or paid on such property, shall be sufficient to cover the duty chargeable according to the true value thereof at the rates fixed by this Act, together with interest thereon, and shall at the same time pay to the Treasurer as a penalty a further duty of twenty-five per cent. of the duty chargeable on the value of the property not disclosed, and shall also, within two months after the discovery of the omission, deliver to the Surrogate Registrar an affidavit or account setting forth the property so not disclosed and the value thereof, in default of which he shall incur a penalty of $10 for each day during which the default continues. 7 Edw. VII. c. 10, s. 7; 8 Edw. VII. c. 33, s. 21 (1).

Proceedings when Treasurer not satisfied with valuation.

12.—(1) In case the Treasurer is not satisfied with the value of any property as sworn to or with the correctness of any inventory, the Surrogate Judge of the county in

which the property or any part thereof, subject to duty is situate shall, at the instance of the Treasurer and upon such notice by personal or substitutional service to the executor or such interested parties as he by order directs, enquire into the correctness of the inventory and as to the value so sworn to, and value any property improperly omitted, fix and settle the amounts of the debts and other allowances and exemptions, and assess the cash value of every annuity, term of years, life estate, income or other estate and of every interest in expectancy as provided by this Act, and shall at the time and place mentioned in the notice or any other time and place named by him value all property at the fair market value and hear and determine all questions relative to the liability of property, the amount of duty and the executor, successor and other persons liable therefor.

Powers of Judge.

(2) The Surrogate Judge shall have all the powers of a Judge of the County Court at the trial of any action and the power to compel discovery, the production of books, papers and documents and he may with the consent of the official guardian appoint for the purposes of this Act a guardian of any infant who has no guardian.

Enforcement of judgment.

(3) The judgment of the Surrogate Judge shall have the like force and effect and be enforceable in the same manner as a judgment of the County Court.

Judge may direct appraisement of property by sheriff.

(4) In lieu of or in addition to evidence of valuation of property the Surrogate Judge may in the first instance or at any time before judgment issue a direction to the sheriff of the county where any property is situate in respect to which duty is payable to make an appraisement of the property mentioned in the inventory or any part thereof or of any property wrongfully omitted.

Appraisement to be according to fair market value.

(5) When so directed the sheriff shall forthwith appraise the property mentioned in the inventory, or any part thereof, as directed by the Surrogate Judge, or any property wrongfully omitted, at its fair market value at the date of death or at the time provided in section 16, as the case may be, and make a report in writing to the Surrogate Judge of his appraisement and of such other facts as he may deem proper.

Sheriff's fees.

(6) The sheriff shall be paid the following fees for services performed under this Act:—

$1 for every hour up to five hours;
$2 for every hour in important or difficult cases;
In no case to exceed $10 per diem;
His actual and necessary travelling expenses. 7 Edw. VII. c. 10, s. 8.

Valuation of annuities and limited estates.

13. The value of every annuity, term of years, life estate, income or other estate and of every interest in expectancy in respect of which duty is payable under this Act, shall for the purposes of this Act be determined by the rule, method and standards of mortality and of value which are employed by the Provincial Inspector of Insurance in ascertaining the value of policies of life insurance and annuities for the determination of the liabilities of life insurance companies, save that the rate of interest to be taken for all purposes of computation under this section shall be four per cent. per annum; and the Inspector of Insurance shall on the application of any Surrogate Judge determine the value of any annuity, term of years, life estate, income or other estate or of any interest in expectancy upon the facts contained in any such application and certify the same to the Surrogate Judge and his certificate shall be conclusive as to the matters dealt with therein. 7 Edw. VII. c. 10, s. 9.

Appeal from Surrogate Judge.

14.—(1) The Treasurer, or any other person interested, may within thirty days from the date of the judgment of the Surrogate Judge appeal to the Court of Appeal, whose decision shall be final. Provided that no appeal shall lie unless that portion of the property or of the debts and other allowances and exemptions in respect of which such appeal is taken, or all combined, exceeds in value or amount $10,000 according to such judgment.

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Costs.

(2) The costs of all such proceedings shall be in the discretion of the Court or Judge and shall be on the County Court scale, except the costs of an appeal, which shall be according to the tariff applicable to proceedings in the Court of Appeal. 7 Edw. VII. c. 10, s 10.

Duties to be payable within 18 months from death of owner.

15.—(1) The duties imposed by this Act, unless otherwise herein provided shall be due at the death of the deceased, and payable within eighteen months thereafter, and if the same are paid within the said period no interest shall be charged or collected thereon, but if not so paid, interest at the rate of five per centum per annum from the death of the deceased shall be charged and collected, and such duties, together with the interest thereon, shall be and remain a lien upon the property in respect of which they are payable until paid. Provided that the duty chargeable upon any legacy given by way of annuity whether for life or otherwise shall be paid in four equal consecutive annual instalments, the first of which shall be paid before the falling due of the first year's annuity and each of the three others within the same period in each of the next succeeding three years, and, for non-payment when due interest shall be collected from the date of the maturity of each instalment until paid. If the annuitant dies

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before the expiration of the said four years payment only of the instalments which fall due before his death shall be required.

Extension of time for payment.

(*a*) The Lieutenant-Governor in Council, upon proof to his satisfaction that payment of the duty within the time limited by subsection 1 would be unduly onerous may extend the time for the payment to such date and upon such terms as may be deemed proper.

Where interest is accumulated.

(2) Where the whole or any part of the income or interest of any property is directed to be accumulated for any period for the benefit of any person or persons or class to whom or to any of whom at the expiration of such period such property passes, or income, or interest, becomes payable, such property shall be deemed for the purpose of this Act an interest in possession, passing at the death of the deceased, and the duty thereon shall be payable within eighteen months thereafter.

Property subject to general power of appointment liable to duty.

(3) Property passing upon the death in respect to which any person is given such a general power to appoint, as is mentioned in clause (*f*) of subsection 4 of section 7 shall be liable to duty and the duty thereon shall be payable in the same manner and at the same time as if the property itself had been given to the donee of the power.

Certificate of discharge to be given by Provincial Treasurer.

(4) When the duty or any part thereof has been paid or secured to the satisfaction of the Treasurer, he shall, if required by the person accounting for the duty, give a certificate to that effect which shall discharge from any further claim for such duty the property mentioned in the certificate; provided the Treasurer shall not be bound to grant such certificate until the expiration of one year from the death of the deceased.

Certificate not a discharge in case of fraud, etc.

(5) Such certificate shall not discharge any person or property from the duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty payable in respect of any property afterwards shown to have passed on the death and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property, in respect of which duty has been already accounted for; provided that a certificate purporting to be a discharge of the whole duty payable in respect of any property included in the certificate shall exonerate from duty property in the hands of a *bona fide* purchaser for valuable consideration without notice. 7 Edw. VII. c. 10, s. 11.

Except as to bona-fide purchaser.

Duty on interest in expectancy.

16.—(1) Where the dutiable property includes any interest in expectancy the duty on such interest may be paid within the eighteen months limited by subsection 1 of

section 15, and when so paid the duty shall be on the value of such interest ascertained as provided herein as at the death of the deceased.

Payment of duty after time limited.

(2) With the consent in writing of the Treasurer, the duty may be paid after the time so limited and before such interest comes into possession; but if such consent is given the duty shall then be on a value not less in any event than the value of such interest in expectancy ascertained as provided herein as at the date when the duty is paid; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest.

Payment of duty on interest in expectancy.

(3) The duty on any interest in expectancy, if not sooner paid, shall be payable forthwith when such interest comes into possession, in which case the duty shall be on the value ascertained as provided herein as at the date of coming into possession; and no deduction shall be made by reason of duty paid or payable on any prior estate, income or interest; and if such duty is not so paid, interest at the rate of five per cent. shall be charged and collected thereon from the date when such interest in expectancy came into possession.

Duty of present value of income where no person entitled to present enjoyment.

(4) Subject to the provisions of subsection 2 of section 15, where any property so passes that no person is beneficially entitled to the present enjoyment of the income or any part thereof for any term of years, or other period, whether certain or uncertain, the duty shall be payable on the present value of such income or part thereof for such term or period computed as provided by section 13 and shall be payable within eighteen months after the death of the deceased.

Commutation of duty.

(5) Notwithstanding that the duty may not be payable under this section until the time when the right of possession or actual enjoyment accrues an executor or person who has the custody or control of the property, may, with the consent of the Treasurer, commute the duty which would or might, but for the commutation, become payable in respect of such interest in expectancy, for a certain sum to be presently payable, and for determining that sum the Treasurer shall cause a present value to be set upon such duty, regard being had to the contingencies affecting the liability to and the rate and amount of such duty and interest; and on the receipt of such sum the Treasurer shall give a certificate of discharge from such duty.

Interest in expectancy to be charged with duty paid.

(6) Where the duty on any interest in expectancy has been commuted and paid under the provisions of this section before such interest in expectancy falls into possession the duty so paid shall be charged on such interest in expectancy and shall be repaid with interest at the rate of four per cent. per annum to the person who has paid the

same by the person entitled to such interest in expectancy at the time when such interest comes into possession.

Composition by Treasurer for duty payable in certain cases.

(7) Where it appears to the Treasurer, that, by reason of the number of deaths on which property has passed or of the complicated or contingent nature of the interests of different persons in property passing on the death, it is difficult to ascertain exactly the rate or amount of duty payable in respect of any property or any interest therein or so to ascertain the same without undue expense in proportion to the value of the property or interest, the Treasurer on the application of any person accountable for any duty thereon and upon his furnishing all the information in his power respecting the amount of the property and the several interests therein, and other circumstances of the case, may, by way of composition for all or any duty payable in respect of the property or interest and the various interests therein or any of them, assess such sum on the value of the property or interest, as having regard to the circumstances appears proper and may accept payment of the sum so assessed in full discharge of all claims for duty in respect of such property or interest and shall give a certificate of discharge accordingly. 7 Edw. VII. c. 10, s. 12.

Extension of time for the payment of duty.

17. Upon the application of any person liable for the payment of the duty the Surrogate Judge may from time to time, on notice to the Treasurer, and for just cause shown make upon such terms as he may deem proper an order extending the time fixed by this Act for payment thereof for any period, in the aggregate not exceeding one year or with the consent of the Treasurer for a longer period, but, unless the Judge otherwise orders the duty shall nevertheless bear interest at the rate of five per centum per annum from the day upon which such duty might have been paid without interest. 7 Edw. VII. c. 10, s 13.

Executor liable to pay duty.

18.—(1) The executor of the deceased shall pay at the time or times mentioned in this Act, to the extent of the property coming into his hands, the succession duty in respect of the property in Ontario and the personalty wheresoever situate, of which the deceased was competent to dispose at his death, and of the existence of which the executor has knowledge, and may pay in like manner the duty in respect of any other property passing on such death, which by any testamentary disposition of the deceased is under the control of the executor, or in case of property not under his control, if the person accountable for the duty in respect thereof requests him to make such payment, and any executor having in charge or trust any estate, legacy, or property in respect of which any duty is payable, shall deduct the duty therefrom, or collect the duty thereon from the person entitled thereto, and he

shall not deliver such property to any person until he has collected the duty thereon.

Persons liable to duty may raise same by sale, etc.

(2) Any person authorized or required to pay the duty in respect of any property shall for the purpose of paying such duty or raising the amount of the duty when already paid, have power whether the property is or is not vested in him, to raise the amount of such duty and any interest and expense properly paid or incurred by him in respect thereof by sale, mortgage, or lease, of so much of the property as may be necessary for such purpose.

Duty to be paid to Treasurer.

(3) Every sum of money retained by an executor or paid into his hands for the duty on any property, shall be paid by him forthwith to the Treasurer, or as he may direct. 7 Edw. VI. c. 10, ss. 14, 15 and 16.

Refunding duty upon subsequent payment of debts.

19. Where any debts shall be proven against the estate of a deceased person, after the payment of legacies or distribution of property from which the duty has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir or next of kin, a proportion of the duty so paid shall be repaid to him by the executor, if such duty has not been paid to the Treasurer or by the Treasurer if it has been so paid. 7 Edw. VII. c. 10, s. 17.

Fees of Judges and Registrars.

20. The Judges and Registrars of the several Surrogate Courts and solicitors practising therein shall be entitled to take for the performance of duties and services under this Act, similar fees to those payable to them for the like services under and by virtue of *The Surrogate Courts Act* and the Surrogate Court rules. 7 Edw. VII. c. 10, s. 18.

Rev. stat., c. 59, recovery of succession duties by action.

21.—(1) Any duty payable under this Act shall be recoverable with full costs as a debt due to His Majesty from any person liable therefor by action in or on summary application to any court of competent jurisdiction.

Matters to be determined by High Court in action.

(2) The High Court shall also have jurisdiction to determine what property is liable to duty under this Act, the amount of such duty and the time or times when the same is payable, and may itself or through any referee exercise any of the powers conferred upon any officer or person by the said sections.

Action may be brought before time for payment of duty.

(3) An action may be brought for any of the purposes in this Act mentioned. notwithstanding the time for the payment of the duty has not arrived, subject to the discretion of the court as to costs

Production of documents, examination of witnesses, etc.

(4) In every such action His Majesty's Attorney-General shall have the same right either before or after the trial to require the production of documents, to examine parties

or witnesses or to take such other proceedings in aid of the action as a plaintiff has in an ordinary action. 7 Edw. VII. c. 10, s. 19.

Caution.

22. Where duty is claimed in respect to any land or money secured by mortgage or charge upon land, the Treasurer may cause to be registered in the proper registry office, or in the proper office of land titles if the land is registered under the Land Titles Act, a caution claiming duty in respect of such land, mortgage, or charge by reason of the death of the deceased, and the land, mortgage or charge, shall upon such registration be subject to the lien of the Crown for duty, but nothing herein contained shall affect the rights of the Crown to a lien independently of the caution. 8 Edw. VII., c. 33, s. 21, subs. 3.

Lieutenant-Governor in Council may make regulations.

23. The Lieutenant-Governor in Council may make rules and regulations for carrying into effect the provisions of this Act, and such rules and regulations shall be laid before the Legislative Assembly forthwith, if in session at the date of such rules and regulations, and if not then in session such rules and regulations shall be laid before the Assembly within the first seven days of the session next after the same are made. 7 Edw. VII. c. 10, s. 20.

Declaration of scope of Act.

Repeal.

24. This Act shall be deemed to be and to declare the law relating to Succession Duty since the commencement of the original Act on July 1st, 1892, and *The Succession Duty Act of 1907*, and amendments thereto are repealed, save as to any action or reference heretofore determined or now pending in any Court.

No. 219.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend and consolidate the law relating to the payment of Succession Duty.

First Reading, 29th March, 1909.

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 220 **BILL.** 1909

An Act to amend The Act to authorize and regulate the Use of Traction Engines on Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *The Act to authorize and regulate the Use of Traction Engines on Highways* is repealed and the following substituted therefor:— Rev. Stat. c. 242, sec. 1 amended.

Subject to the provisions hereinafter contained a Traction Engine may be used upon any public highway in this Province for the conveyance or hauling of freight, machinery or passengers over a public highway in this Province. Traction engines on highway.

2. Section 2 of the said Act is repealed and the following substituted therefor:—

No Traction Engine so employed with any vehicle or load drawn by the same shall exceed in weight ten tons. Weight.

No 220

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act to authorize and regulate the Use of Traction Engines on Highways.

First Reading, 29th March, 1909.

Mr. CRAIG.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 221

BILL.

1909

An Act to amend The Act respecting the Law Society of Upper Canada.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Act respecting the Law Society of Upper Canada* (as amended by section 1 of the Act passed in the 63rd year of the reign of Her late Majesty Queen Victoria, Chaptered 20) is hereby amended by adding after the words inserted by said amending Act, the words "or shall have been elected under this Act as a Bencher by members of the Bar at four quinquennial elections." Rev. Stat., c. 172, s. 4, amended.

2. Section 13 of *The Act respecting the Law Society of Upper Canada* is amended by adding the following subsection:— Rev. Stat., c. 172, s. 13, amended.

(2) If among the thirty persons who have the highest number of votes is included any Bencher who by virtue of such election becomes an *ex-officio* Bencher, the scrutineers shall so report and the thirty other persons having the highest number of votes shall be Benchers of the said Law Society for the next term of five years.

3. Section 28 of the said *Act respecting the Law Society of Upper Canada* is amended by adding thereto the following subsection:— Rev. Stat., c. 172, s. 28 amended.

(2) The seat of any Bencher who is such *ex-officio* by reason of having been elected at four quinquennial elections shall be vacated *ipso facto* by his non-attendance at the regular meetings of Convocation for the period of one year, or in the event of his ceasing to pay the usual Solicitors' and Barristers' fees to the Society.

No. 221.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act respecting the Law Society of Upper Canada.

First Reading, 29th March, 1909.

Mr. LUCAS.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 222 **BILL.** 1909

An Act respecting the Arrest of Fraudulent Debtors.

SHORT TITLE, s. 1.
INTERPRETATION, s. 2.
SECURITY IN THE ACTION, ss. 15-21.
ORDER FOR ARREST, ss. 3-9.
ARREST OF DEFENDANT, ss. 10-14.
DELIVERY OF STATEMENT OF CLAIM IN ACTION, s. 22.
ORDER TO BRING IN THE BODY, ss. 23, 24.
APPLICATION FOR DISCHARGE FROM CUSTODY, ss. 25, 26.
SURRENDER BY SURETIES, s. 27.
WRITS OF CA. SA., ss. 28-32.
DELAY BEFORE COMMITTAL TO GAOL, ss. 33-34.
SECURITY FROM DEBTORS IN CIVIL CUSTODY, ss. 35-47
EXAMINATION OF DEBTOR ON BAIL, s. 48.
EXECUTION AGAINST GOODS AND LANDS, s. 49.
PROVISION IN CASE OF SEPARATION OF UNITED COUNTIES, s. 50.
LIABILITY OF SHERIFF FOR ESCAPE, s. 51.
DISCHARGE OF DEBTOR FROM CUSTODY, ss. 52-58.
Examination of debtor on application for discharge, ss. 53, 54.
Conditions of discharge, ss. 55-58.
DISCHARGE OF DEBTOR BY ORDER OF PLAINTIFF'S SOLICITOR, s. 59.
OTHER WRITS OF EXECUTION, ss. 60, 61.
APPLICATION OF JUDICATURE ACT AND RULES, s. 62.
REPEAL, s. 63.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *"The Fraudulent Debtors Arrest Act."*

Interpretation.

2. In this Act,

"County."

(*a*) "County" shall include District.

"County Court."

(*b*) "County Court" shall include District Court.

"Sheriff."

(*c*) "Sheriff" shall include any officer to whom an order for arrest is delivered for execution.

ORDER FOR ARREST.

Defendant may be held to bail on affidavit of certain facts and order of a judge.

3.—(1) Where a person by affidavit of himself or some other person shews to the satisfaction of a Judge of the High Court or of a County Court that he has a cause of action against a person liable to arrest to the amount of not less than $100, and also such facts and circumstances as satisfy the Judge that there is good and probable cause for believing that such person unless he be forthwith apprehended is about to quit Ontario with intent to defraud his creditors generally or the applicant in particular, the Judge may order that the person against whom the application is made, shall be arrested and shall give security for such sum as the Judge thinks fit.

Order of County Court Judge.

(2) A Judge of a County Court may make an order for arrest in the High Court, as well as in his own Court. R.S.O. 1897, c. 80, s. 1.

Order before action.

(3) The order may be made as well before as after an action has been commenced.

Action after order.

(4) Where the order is made before an action is commenced, an action shall be commenced and notice thereof given to the Sheriff within two days after the date of the order otherwise the order shall be superseded and the person against whom it was made shall if under arrest be entitled to be discharged.

Orders for payment of money to be deemed judgments.

4.—(1) Every order of the High Court and of a County Court directing payment of money or of costs, charges or expenses, so far as it relates thereto, shall be deemed a judgment, and the person to receive payment a creditor, and the person to make payment a debtor, within the meaning of this Act. R.S.O. 1897, c. 80, s. 9.

Person having carriage of the judgment, etc. to be deemed the plaintiff.

(2) Where the judgment or order directs the payment of money into Court, or otherwise than to any person, the person having the carriage of the judgment or order, so far as relates to the payment, shall be deemed the person to receive payment or the plaintiff, as the case may be, within the meaning of this Act. R.S.O. 1897, c. 80, s. 10.

Limit of security in alimony.

5. Where an order is made for arrest in an action for alimony, the amount for which security is to be given shall not exceed what may be considered sufficient to cover the amount of future alimony for two years, besides arrears and costs, but may be for less at the discretion of the Court or Judge. Con. Rule 1022.

Order to be in force for two months.

6. The order shall be in force for two months from the day of the date thereof inclusive, and no longer; but on the expiration thereof a new order may be obtained in the manner directed by this Act. Con. Rule 1023.

7. Concurrent or duplicate orders may be issued from time to time in like manner and form as the original order, and shall be in force for the same period as such original order and no longer. Con. Rule 1024. Concurrent order for arrest.

8. Unless otherwise ordered the costs of and incidental to an order for arrest shall be costs in the cause. Con. Rule 1026. Costs.

9. The order, and as many copies thereof as there are persons intended to be arrested thereon shall be delivered to the Sheriff, and the plaintiff or his solicitor may direct the Sheriff to arrest one or more of the defendants therein named, which direction shall be obeyed by the Sheriff or officer. Con. Rule 1025. Order and copies to be delivered to Sheriff.

ARREST OF DEFENDANT.

10. The Sheriff shall, within two months from the day of the date of the order, but not afterwards execute the same according to the exigency thereof, and shall upon or immediately after the execution of the same cause one copy thereof to be delivered to the person whom he is directed to arrest, and shall exhibit the original order to him. Con. Rule 1027. Sheriff to execute order within two months from date.

11. The Sheriff shall, within two days after the arrest, indorse on the order the true date of the arrest. Con. Rule 1028. Indorsement of date of arrest on order.

12. No person shall be subject to arrest who, by reason of any privilege, usage or otherwise, is by law exempt therefrom. R.S.O. 1897, c. 80, s. 4. Privileged persons not to be arrested.

13. No person shall be liable for contempt for non-payment of any sum of money or for non-payment of any costs, charges or expenses payable by a judgment or order of the High Court or of a Judge thereof or of a County Court or of a Judge thereof; and no person shall be liable to arrest for non-payment of costs. R.S.O. 1897, c. 80, s. 5. Arrest for non-payment of money, costs, etc., abolished.

14. A married woman shall not be liable to arrest on mesne or final process. R.S.O. 1897, c. 80, s. 6. No married woman to be arrested.

SECURITY IN THE ACTION.

15. The security in the action to be given by the defendant, pursuant to the order for arrest, may be by payment into court of the amount mentioned in the order, or by a bond to the plaintiff by the defendant and two sufficient sureties, or, with the leave of the Judge or Security by defendant in action.

Officer who allows the bond, either one surety or more than two, or with the plaintiff's consent by any other form of security. Con. Rule 1036.

Condition of bond.

16. Where the security is given by bond the condition thereof shall be that the defendant will pay the amount by any judgment in the action adjudged to be recovered or directed to be paid, either as a debt or for damages or costs, or will render himself to the custody of the Sheriff of the County in which the action has been commenced or that the sureties will do so for him. Con. Rule 1037 (1).

Person indemnified by defendant's solicitor may not be surety.

17. A person who has been indemnified for so doing by the solicitor or solicitors concerned for the defendant, shall not be a surety in such bond. Con. Rule 1038.

Justification when claim over $4,000.

18. Where the plaintiff's claim exceeds $4,000 it shall be sufficient for each surety to justify in $4,000 beyond the amount of the claim. Con. Rule 1039.

Allowance of bond.

19. The bond shall be filed in the office in which the action was commenced, and may be allowed by the proper officer in such office or by the Local Judge or Master upon service upon the plaintiff or his solicitor of notice of the filing of the bond and of the names and addresses of the sureties thereto and a copy of an appointment from such officer, Local Judge or Master at least forty-eight hours, unless otherwise directed by the officer, Judge or Master, before the time named in the appointment. Con. Rule 1040.

Security by payment into Court.

20.—(1) Where security is desired to be given by payment of money into Court the same may be paid in without an order, and shall stand as security to the plaintiff that the defendant will pay the amount by the judgment in the action adjudged to be recovered or directed to be paid either as a debt or for damages or costs, or will render himself to the custody of the Sheriff of the county in which the action has been commenced, or that the sureties will do so for him.

(2) After the payment of money into Court, a bond, or other security, in section 15 mentioned, may be substituted therefor and the money paid in shall be repaid upon the production of a certificate of the allowance of the bond or other security signed by the officer allowing the same, or by the plaintiff's solicitor. Con. Rule 1041.

Security in control of Court.

21.—(1) The money paid in and the security, and all proceedings thereon shall be subject to the order and control of the Court or a Judge. Con. Rule 1042.

(2) The delivery of a certificate of the Accountant of the Supreme Court of the payment of the money into Court, or of a certificate of the allowance of the bond or other security signed by the officer allowing the same, or by the plaintiff or his solicitor, to the Sheriff executing the order for arrest, shall entitle the defendant to be discharged out of custody. Con. Rule 1043. Discharge of defendant on giving security

DELIVERY OF STATEMENT OF CLAIM IN ACTION.

22. Where a defendant is taken or detained in custody under an order for arrest in default of giving security, the plaintiff, if he has not already delivered his statement of claim, shall deliver the same within one month after the arrest, or within the time specified by the Rules of the Supreme Court, whichever shall be the earlier date, otherwise the defendant shall, unless further time is given to the plaintiff by the Court or a Judge, be entitled to be discharged from custody. Con. Rule 1044 (1). Time for delivery of statement of claim.

ORDERS TO BRING IN THE BODY.

23.—(1) Where, on the expiration of an order to return an order for arrest, the Sheriff returns *cepi corpus* thereon, an order may thereupon issue requiring the Sheriff within six days after the service of the order, to bring the defendant into Court, by bringing in the body or by causing security in the action to be given, and if the Sheriff does not obey the order, an attachment may be granted for disobedience thereof. Order to bring body into Court. Attachment for disobeying order.

(2) Where a Sheriff before his going out of office, makes an arrest, and takes security under the order for arrest and makes a return of *cepi corpus*, the order shall and may, within the time allowed by law, be directed to him, notwithstanding he may be out of office before the order is issued. Con. Rule 1045. Where Sheriff goes out of office.

24. An order shall not be made for setting aside an attachment regularly obtained against a Sheriff for not bringing in the body, or for staying proceedings regularly commenced on the assignment of a bail bond, unless the application for the order, if made on the part of the original defendant, be grounded on an affidavit of merits, or, if made on the part of the Sheriff, or a surety, or any officer of the Sheriff, unless the application be grounded on an affidavit shewing that the application is really and truly made on the part of the Sheriff, or surety, or officer of the Sheriff, as the case may be, at his or their own expense, and for his or their indemnity only, and without collusion with the original defendant. Con. Rule 1046. Order to set aside attachment or stay proceedings on bond—affidavit of merits, etc.

APPLICATION FOR DISCHARGE FROM CUSTODY.

Application for discharge from custody by defendant.

25.—(1) A person arrested upon an order for arrest may apply to the Court or a Judge, for an order that he be discharged out of custody; and the Court or Judge, subject to appeal, may make such order thereon as may seem just.

Power of County Court Judge.

(2) A Judge of a County Court making an order for arrest, whether in the High Court or in his own Court, shall, in respect to such order and the arrest made thereupon, possess all the powers given to a Judge of the High Court under this section, and may in like manner, on application to him, order the defendant to be discharged out of custody, or make such order therein as to him seems just.

Divisional Court may discharge order of County Court Judge.

(3) Any such order made by a Judge of a County Court may be discharged or varied by a Divisional Court. Con. Rule 1047.

Misnomer of defendant in order for arrest.

26. Where the defendant is described in the order for arrest, or affidavit therefor, by initials, or by wrong name, or without a Christian name, he shall not for that cause be discharged out of custody, or the security be delivered up to be cancelled. Con. Rule 1048.

SURRENDER BY SURETIES.

Surrender of debtor by sureties.

27.—(1) The sureties may at any time surrender their principal to the Sheriff of the county in which the principal is resident or found, and the Sheriff shall receive the principal into his custody, and give the sureties a certificate under his hand and seal of office of the surrender, for which certificate he shall be entitled to the sum of one dollar.

Order to cancel security and discharge of sureties.

(2) A Judge of the Court in which the action is pending, upon proof of due notice to the plaintiff or his solicitor of the surrender, and upon production of the Sheriff's certificate thereof, shall order the security to be cancelled, and thereupon the sureties shall be discharged. Con. Rule 1049.

Transfer of person arrested out of his county.

(3) Where a person is surrendered by his sureties to the Sheriff of any county other than that in which he resides or carries on business, he shall be entitled to be transferred to the gaol of his own county on prepaying the expenses of his removal; and the Sheriff in whose county he was arrested may transfer him accordingly; but if the Sheriff declines to act without an order of the Court or a Judge, such order may be made on the application of the person arrested, upon notice to the opposite party. Con. Rule 1050.

WRITS OF CAPIAS AD SATISFACIENDUM.

Where defendant held to special bail *ca. sa.* may issue.

28.—(1) Where a defendant has been arrested and has given security in the action pursuant to the order for arrest or is imprisoned or detained in custody in default of giving security, unless he has been discharged under the provisions of section 54, any judgment which the plaintiff may obtain in the action may be enforced by writ of *capias ad satisfaciendum* without an order therefor; but where the defendant is so imprisoned or detained in custody the plaintiff shall issue such writ within fourteen days after he has become entitled to enter final judgment.

When to obtain *ca. sa.* affidavits necessary and the contents thereof.

(2) Where the defendant has not been arrested, or has been discharged under the provisions of section 54, if the plaintiff, by the affidavit of himself or some other person shews to the satisfaction of a Judge of the High Court, or where the action is in a County Court, to a Judge of such Court, that he has recovered judgment against the defendant for not less than $100, exclusive of costs, and also such facts and circumstances as satisfy the Judge that there is good and probable cause for believing either that the defendant, unless he be forthwith apprehended, is about to quit Ontario with intent to defraud his creditors generally or the plaintiff in particular, or that the defendant has parted with his property or made some secret or fraudulent conveyance thereof in order to prevent its being taken in execution, the Judge may order that a writ of *capias ad satisfaciendum* be issued. R.S.O. 1897, c. 80, s. 8.

Writ to fix liability of sureties.

29.—(1) A writ of *capias ad satisfaciendum* issued for the purpose of fixing the liability of the sureties shall be returnable on a day certain to be named therein not later than fourteen days from the date of the teste of the writ, and shall be delivered to the Sheriff of the county in which the action was commenced eight clear days before the return day so named.

(2) The sureties shall take notice of the delivery of the writ as aforesaid, and it shall not be necessary for the plaintiff to give them any further or other notice thereof. Con. Rule 1052.

No action on security till after return of *ca. sa.*

30.—(1) An action shall not be brought upon the bond or other security given in an action pursuant to an order for arrest until after the return of a writ of *capias ad satisfaciendum* for the purpose of fixing the liability of the sureties.

(2) To such a writ the Sheriff may return *non est inventus*, without taking any steps to arrest the defendant, unless the defendant is already in, or is rendered into, his custody. Con. Rule 1053.

Limitation of liability of sureties.

31. In an action upon the bond the sureties shall only be liable for the amount recovered by the plaintiff in the action in which the bond was given, and the costs of suit, not exceeding in the whole the amount of the penalty in the bond. Con. Rule 1054.

Sureties sued may surrender their principal.

32.—(1) Subject to section 27, where the plaintiff brings an action on the bond or other security, the sureties thereto or therein shall be at liberty to satisfy the bond or security by rendering up their principal to the custody of the Sheriff of the county in which the action was brought at any time within eight days next after service of the writ of summons upon them, but not at any later period; and, upon notice thereof being given to the plaintiff or his solicitor, the action shall be stayed and the plaintiff shall be entitled to the costs of the action up to the date of service of the notice.

Stay on surrender.

Costs.

(2) Such costs may be taxed upon production of the notice so served without an order and if not paid within four days from taxation, the defendant may, without an order, sign judgment therefor. Con. Rule 1055.

(*Note.—Sec. 11 is not consolidated and not repealed.*)

DELAY BEFORE COMMITTAL TO GAOL.

Delay of 24 hours before committal

33. The Sheriff, at the request of the person arrested, and upon being prepaid a sum of money sufficient to cover the Sheriff's reasonable fees and expenses incident to the delay, shall grant to such person a delay of twenty-four hours after the arrest before committing him to gaol, and shall take him for the said twenty-four hours to some safe and convenient house in his bailiwick. Con. Rule 1029.

CUSTODY OF PERSONS ARRESTED.

Person arrested out of his county may be transferred to it upon paying the cost.

34. A person arrested and imprisoned in any other county than that in which he resides or carries on business, shall be entitled to be transferred to the gaol of his own county, on prepaying the expense of his removal; and the Sheriff in whose county he was arrested may transfer him accordingly; but if the Sheriff declines to act without an order of the Court or a Judge, such order shall be made on the application of the person arrested, upon notice to the opposite party. R.S.O. 1897, c. 80, s. 13.

SECURITY FROM DEBTORS IN CUSTODY.

Bail by payment into Court or bond to Sheriff.

35.—(1) At any time before the expiration of 10 days from the date of the arrest the defendant shall be entitled to be released from custody upon paying into Court without special order, the amount named in the order for arrest,

together with $40, to answer the costs which may have accrued up to the time limited for giving security in the action pursuant to the order for arrest, or upon giving to the Sheriff a bail bond, with two sufficient sureties in a penal sum double the amount named in the order for arrest, and upon payment of the Sheriff's fees, including the cost of the bond.

(2) Money so paid into Court shall remain in Court, subject to order of the Court or Judge, as security to the plaintiff that the defendant will cause security in the action to be put in pursuant to the order for arrest. Con. Rule 1030.

Sheriff may take security from debtors in custody.

36. The Sheriff may take from a debtor confined in the gaol of his county upon mesne process, a bond with not less than two nor more than four sufficient sureties, to be jointly and severally bound in a penalty of double the amount for which the debtor is so confined, conditioned that the debtor will observe and obey all notices or orders of Court touching or concerning the debtor, or his appearing to be examined *viva voce*, or his returning and being remanded into close custody, and that upon reasonable notice to them or any of them, requiring them so to do, they will produce the debtor to the sheriff, and also that the debtor will within thirty days, cause the bond, or the bond that may be substituted for the same, according to the provisions hereinafter contained, to be allowed by the Judge of the County Court of the County wherein the debtor is confined, and the allowance to be endorsed thereon by the Judge: and for that purpose the Sheriff shall, upon reasonable notice given by the debtor, cause such first mentioned bond to be produced before the Judge. R.S.O. 1897, c. 80, s. 15.

Surety to make affidavit, etc.

37. The Sheriff may also require each surety, where there are only two, to make oath in writing, to be annexed to the bond, that he is a freeholder or householder in some part of Ontario (stating where), and is worth the sum for which the debtor is in custody (naming it) and $200 more, over and above what will pay all his debts; or where there are more than two sureties, then he may require each surety to make oath as aforesaid, that he is a freeholder or householder as aforesaid, and is worth one-half the sum for which the debtor is in custody (naming it), and $200 more, over and above what will pay all his debts. R.S.O. 1897, c. 80, s. 16.

On receipt of bond, sheriff may allow the debtor to go at large.

38. Upon receipt of the bond, accompanied by an affidavit of a subscribing witness of the due execution thereof, and by the sureties' affidavits of sufficiency, if required by the sheriff, the sheriff may permit and allow the debtor to

go out of close custody; and so long as the debtor in all respects observes the conditions of the bond, the sheriff shall not be liable to the party at whose suit the debtor is confined in any action for the escape of the debtor from gaol. R.S.O. 1897, c. 80, s. 17.

Application for allowance of bond to be made on motion, etc.

39. The debtor may apply for the allowance of the bond upon four clear days' notice in writing to the plaintiff or his solicitor, who at the time of the application may object to the sufficiency of the sureties; and if the Judge refuses to allow the bond, the debtor may cause another bond, made to the sheriff in the same terms and under the same conditions, to be executed without further application to the sheriff, and may apply in like manner and upon like notice for the allowance thereof; and the bond, if allowed and indorsed as aforesaid, shall be substituted for and have the like effect in all respects as the bond first given to the Sheriff would have had upon the allowance thereof and the like remedies shall be had thereon, and the first given bond shall thereupon become void. R.S.O. 1897, c. 80, s. 18.

When bond allowed, sheriff discharged from responsibility.

40. Upon the allowance being so indorsed, the Sheriff shall be discharged from all responsibility respecting the debtor, unless he is again committed to the close custody of the sheriff in due form of law. R.S.O. 1897, c. 80, s. 19.

Deposit in lieu of bail on arrest under civil process.

41. In lieu of giving the bond provided for by section 36, the debtor or any person on his behalf may deposit with the Sheriff the amount for which he is arrested, and where the person is held under an order for arrest the further sum of $40, which shall stand as security in place and for the purposes of the bond provided for by sections 35 and 36, and the said money shall for the purposes aforesaid be subject to the order of a Judge of the Court from which the process issued, as the case may require, but such deposit shall be repayable to the person depositing the same upon the Sheriff being furnished with a certificate of the Judge or officer who allows the same, that the bond provided for by the said sections has been perfected and allowed. R.S.O. 1897, c. 80, s. 21; 62 V. (2), c. 7, s. 7.

If the sureties become insufficient, sheriff may re-take the debtor.

42.—(1) Where the Sheriff has good reason to apprehend that a surety after entering into the bond has become insufficient to pay the amount sworn to in his affidavit of sufficiency the Sheriff may again arrest the debtor, and detain him in close custody, and such arrest shall discharge the sureties from all liability on the bond. R.S.O. 1897, c. 80, s. 22.

(2) The sureties of the debtor may set up the arrest and detention as a defence to an action brought against them upon the bond entered into by them, and the defence, if sustained in proof, shall wholly discharge them. The sureties may plead such arrest.

(3) The debtor may again be allowed to go at large, on giving to the Sheriff a new bond with sureties as aforesaid. R.S.O. 1897, c. 80, s. 23.

43.—(1) Where default is made in compliance with the conditions of a bail bond to the Sheriff, the Sheriff shall upon the request and at the cost of the plaintiff assign the bond to the plaintiff, and the plaintiff may bring an action thereon in his own name. Assignment of bail bond.

(2) Upon executing the assignment the Sheriff shall thenceforth be discharged from all liability on account of the debtor or his safe custody. Sheriff discharged on assigning bond.

(3) Where the bond is taken under the provisions of section 35, if the plaintiff does not take an assignment of it within five days after default, the Sheriff may rearrest the defendant in any county and bring him into his own bailiwick and retain him in custody until he has given and obtained the allowance of security in the action pursuant to the order for arrest. (See R.S.O. 1897, c. 80, s. 24, and Con. Rules 1031 and 1032.) Re-arrest on default of security in action

44. Notwithstanding the default the defendant may at any time before judgment in an action brought upon the bail bond to the Sheriff or before the expiration of any order to bring in the body, give security in the original action pursuant to the order for arrest. Con. Rule 1033. Security may be given after default.

45. The plaintiff shall not be at liberty to proceed upon the bail bond to the Sheriff pending an order to bring in the body of the defendant. Con. Rule 1034. No action on bond pending order to bring in body.

46. Where an action is brought upon the bail bond to the Sheriff the Court or a Judge may upon application in such action give such relief to the plaintiff and defendant in the original action and to the sureties in the bail bond as may be just and reasonable and the order made on any such application shall have the effect of a defeasance to the bail bond. Con. Rule 1035. Action on bond subject to discretion of Court

47.—(1) The sureties of a debtor may surrender him into the custody of the Sheriff at the gaol, and the Sheriff, or gaoler shall there receive him into custody, and the sureties may set up the surrender or the offer to surrender and the refusal of the Sheriff or gaoler to receive the debtor into custody at the gaol, shall as to any breach of the condition happening after the surrender or tender and refusal, discharge the sureties from all liability on the bond. Sureties may surrender debtors.

Debtor may give new bond.

(2) The debtor may again be allowed to go at large, on giving to the Sheriff a new bond, with sureties as aforesaid. R.S.O. 1897, c. 80, s. 25.

Debtor on bail liable to be examined.

48.—(1) The party at whose suit a debtor has been confined in execution may, at any time while the debtor is at large upon bail, apply to the Court or a Judge for an order for the examination *vivâ voce* on oath of the debtor, touching the matters mentioned in section 53, and if the debtor does not submit himself to be examined pursuant to the order, or refuses to make full answer in respect to the matters touching which he is examined, to the satisfaction of the Court or a Judge, the Court or Judge may order the debtor to be committed to close custody, and the sheriff, on due notice of the order, shall forthwith take the debtor and commit him to close custody until he obtains an order of the Court or a Judge for again allowing him to go out of close custody, on giving the necessary bond as aforesaid, or until he is otherwise discharged in due course of law. R.S.O. 1897, c. 80, s. 26.

Or to be re-committed.

On answering debtor may be again allowed to go at large.

(2) An order for the discharge of the debtor may be made on the debtor shewing that he has submitted himself to be examined and made full answer as aforesaid and has thereafter given to the plaintiff or his solicitor five days' notice of his intention to apply. R.S.O. 1897, c. 80, s. 27.

Plaintiff may have execution against property of debtor on bail.

49. The party at whose suit a debtor has been confined in execution may, where the debtor has been admitted to bail, under the provisions of this Act, obtain or enforce any writ or process of execution, other than against the person of the debtor, notwithstanding that the debtor has been taken and confined in execution, and such other writ or process of execution may be proceeded with, although the debtor be re-committed to close custody. (See R.S.O. 1897, c. 80, s. 28; Con. Rule 1056.)

DISCHARGE FROM CUSTODY.

Proceedings under bailable process in cases of dissolution of a union of Counties.

50.—(1) Where a union of counties is dissolved or a county is separated from a union of counties a person arrested or who has given security in the action before the separation or dissolution and liable to be imprisoned shall be imprisoned in the gaol of the county in which he was arrested.

Who has given security in the action.

(2) All proceedings in the action, and all proceedings after judgment founded on the arrest or the security given, shall be carried on as if the arrest had taken place or the security had been given in such county as a separate county; and all the records and papers relative to the case shall be transmitted to the proper officer of the county in which the debtor was arrested. R.S.O. 1897, c. 80, s. 30.

(3) Where a debtor or other person is admitted to bail in a union of counties, and the union is afterwards dissolved, or one or more counties are separated therefrom, and such person is afterwards surrendered or ordered to be committed to close custody, he shall be surrendered or committed to the sheriff of the county in which he is arrested, and be imprisoned in the gaol thereof. R.S.O. 1897, c. 80, s. 31. Gaol for debtor where united counties, dissolved.

LIABILITY OF SHERIFF FOR ESCAPE.

51. If a debtor in execution escapes out of legal custody, the sheriff, bailiff, or other person having the custody of the debtor, shall be liable only to an action for damages sustained by the person at whose suit the debtor was taken or imprisoned, and shall not be liable to any other action in consequence of the escape. R.S.O. 1897, c. 80, s. 32. Sheriff only to be liable for damages sustained.

DISCHARGE OF DEBTOR FROM CUSTODY.

52. A debtor in close custody in execution or on mesne process, and a debtor arrested under a writ of *capias ad satisfaciendum*, though he is not in close custody but has given bail, may, after giving to the person at whose instance he is in close custody or has been so arrested ten days' notice in writing of his intention to do so, apply to the Court or a Judge to be discharged. R.S.O. 1897, c. 81, s. 8, *part amended*. A debtor in custody in execution, may apply to be discharged.

53. Where the notice is given by a debtor in close custody in execution or by a debtor who has been arrested under a writ of *capias ad satisfaciendum* and has given bail, the person at whose instance he is in close custody or has been so arrested may apply to the Court or a Judge for an order that the debtor be examined *viva voce* on oath for the purpose of discovering any property or effects which he is possessed of or entitled to, or which are in the possession or under the control of any other person for the use or benefit of the debtor, or which the debtor having been in possession of may have fraudulently disposed of for the purpose of hindering, delaying, defrauding or defeating his creditors, and touching the debtor's estate and effects and the circumstances under which he contracted the debt or incurred the liability which was the subject of the action in which judgment has been recovered against him, and as to the means and expectations he then had, and as to the property and means he still has, and as to the disposal he may have made of any of his property. R.S.O. 1897, c. 81, s. 8, *part*. Examination of debtor as to his property, etc.

54.—(1) Upon an application under section 52 and upon the debtor making oath that he is not worth $20, exclusive Application of debtor for discharge.

of his goods and chattels exempt from seizure under execution, and, in the case of a debtor in execution, that he has submitted himself to be examined pursuant to any order which may have been made for his examination or that no order for his examination has been served, and where such examination has been had if the matter thereof is deemed satisfactory and, in the case of a debtor confined in close custody on mesne process, that he does not believe the demand of the plaintiff to be just and for that reason and no other resists payment of it and refuses to suffer judgment to be entered against him for the sum sworn to, and if the cross examination, if any, of the debtor upon his affidavit is deemed satisfactory, the debtor shall be discharged from custody, but the discharge shall not be a release or satisfaction of the judgment or of the claim of the plaintiff or deprive the plaintiff of any remedy against the debtor or his property. R.S.O. 1897, c. 81. s. 9, *amended*.

Discharge and its effects.

(2) A debtor in close custody upon mesne process may be cross examined upon his affidavit according to the practice of the court for cross examination upon an affidavit on a motion.

Discharge may be on condition of assignment by debtor.

55. In the case of a debtor in execution it may be made a condition of his discharge that he shall first, by assignment or conveyance to be approved of by the Court or Judge, assign and convey to an assignee for the benefit of his creditors any right or interest he may have in and to any property real or personal, credits or effects, other than goods and chattels exempt from seizure under execution, and in the case of a debtor in close custody on mesne process it may be made a condition of his discharge that he shall first suffer the plaintiff to have judgment against him for the sum sworn to or such part thereof as to the Court or Judge may seem just. R.S.O. 1897, c. 81, s. 11.

Re-committal for not more than 12 months, in cases of fraud, etc.

56. In the case of a debtor in execution, if it appears that the debt for which he is in close custody or has been arrested was contracted by fraud or breach of trust or under false pretences or that he wilfully contracted the debt without having had at the time a reasonable expectation of being able to pay or discharge it and with intent to defraud, the Court or Judge may order the debtor to be remanded into close custody for any period not exceeding twelve months and to be then discharged. R.S.O. 1897, c. 81, s. 12, *part*.

Debtor unduly obtaining discharge may be retaken in execution.

57. Where the discharge has been unduly or fraudulently obtained by a false allegation of circumstances which, if true, would have entitled the debtor to be discharged, he shall, upon the same being made to

appear to the satisfaction of the Court or a Judge, be liable to be again taken in execution or remanded to his former custody by order of the Court or Judge. R.S.O. 1897, c. 81, s. 13, *amended*.

Debtor to be taken before the Judge for examination.

58. The Court or Judge making an order for the examination of a debtor under this Act may direct the sheriff or gaoler having the custody of the debtor, to bring him before such Court or Judge or before some person to be named in the order for the purpose of being examined, and the sheriff or gaoler shall take the debtor before the Court or Judge or the person so named for examination in the same manner as if the sheriff or gaoler were acting in obedience to a writ of *habeas corpus ad testificandum*. R.S.O. 1897, c. 81, s. 14.

DISCHARGE BY ORDER OF PLAINTIFF'S SOLICITOR.

On what authority sheriffs may discharge debtors from custody.

59. A written order under the hand of the judgment creditor or of the solicitor by whom a writ of *capias ad satisfaciendum* has been issued, shall justify the Sheriff, gaoler or officer in whose custody the party is under the writ, in discharging him, unless, where the order is given by the solicitor, the party for whom such solicitor professes to act has given written notice to the contrary to the Sheriff, gaoler or officer; but such discharge shall not be a satisfaction of the debt; and nothing herein contained shall justify the solicitor in giving an order for discharge without the consent of his client. Con. Rule 899.

OTHER WRITS OF EXECUTION.

When plaintiff may issue other writs.

60. Neither the taking of a debtor in execution under a writ of *capias ad satisfaciendum* nor his imprisonment thereunder or under the provisions of this Act nor his discharge from custody by the voluntary action of his creditor or under the powers conferred by this Act shall operate as a satisfaction or extinguishment of the debt or deprive the creditor of the right to take out execution or other process against the property of the debtor or to take any other proceeding against him in the same manner as if the debtor had not been taken in execution or discharged from custody.

Ca. sa. when returnable.

61. Every writ of *capias ad satisfaciendum* against a party who has not been previously arrested or who has not given security pursuant to an order for arrest shall be returnable immediately after the execution thereof, and shall continue in force for two months from the day of the issue thereof inclusive, and no longer, but on the expiration thereof another writ may be obtained upon a Judge's order as provided by section 6. Con. Rule 874.

APPLICATION OF JUDICATURE ACT AND RULES.

Judicature Act and Rules to apply to this Act. Rev. Stat. c. 51.

62. The Judicature Act and Rules of Court shall apply to this Act. R.S.O. 1897, c. 81, s. 15.

REPEAL.

Repeal.

63. Chapter 80, except section 11, chapter 81, sections 24, 25 and 26 of chapter 324 of the Revised Statutes, 1897, and Consolidated Rules of the Supreme Court, 874, 899 and 1021 to 1057 are repealed.

No. 222.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Arrest of Fraudulent Debtors.

First Reading, 30th March, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 223 1909

BILL.

An Act respecting Continuation Schools.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as *"The Continuation Schools Act."* Short title.

2. In this Act,— Interpretation.

(*a*) "Minister" shall mean the Minister of Education. "Minister."

(*b*) "Regulations" shall mean regulations made under the authority of *The Department of Education Act.* "Regulations."

3.—(1) Part I. shall apply to all Continuation Schools heretofore established under *The Public Schools Act*, and in operation at the time of the passing of this Act and to Continuation Schools hereafter established under this Act, except those established by county councils as provided in Part II. Application of Part I.

(2) Part II. shall apply to Continuation Schools hereafter established by county councils as provided in this Act. Part II.

(3) Part III. shall apply to all Continuation Schools to which Parts I. and II. apply. Part III.

PART I.

4.—(1) Subject to the Regulations, the Public School Board of any municipality or school section may establish and maintain a Continuation School in connection with any Public School under its control. Establishment of schools by public school boards.

(2) The Board shall have in respect of such Continuation School all the powers conferred on Public School Boards, as to acquiring a school site, erecting buildings and additions to existing buildings and providing equipment for such Continuation Schools.

Agreements among boards.

(3) Agreements may be entered into by two or more Public School Boards or by one or more of such Boards and one or more Separate School Boards for the establishment and maintenance of a Continuation School to be conducted in one of the Public or Separate Schools under their control or in some other place agreed upon by the Boards for the benefit of the pupils of all of such schools, and any such agreement shall specify the proportion of the cost of the establishment and maintenance of the Continuation School to be paid by each of such Boards or shall provide for the manner in which such proportion shall be determined.

Where boards agreeing are in different counties of the union.

(4) Where Boards for sections or municipalities situate in different counties of a union of counties have entered into an agreement for establishing and maintaining a Continuation School the council of the united counties may determine the proportion to be paid by each of such counties.

Apportionment of cost in union school sections.

(5) Where the Board of a union school section establishes a Continuation School or enters into an agreement with any other Board for the establishment of the same the council of each municipality included or part of which is included in the union school section shall levy and collect upon the taxable property in the union school section within its jurisdiction its share of the expense of establishing and maintaining such Continuation School according to the equalized assessment under *The Public Schools Act* of the part of the union school section comprised in the municpiality.

Township grant towards salary of teacher.

(6) For the purposes of subsections 2 and 3 of section 95 of *The Public Schools Act* a Continuation School shall be deemed a Public School.

Fees.

(7) All non-resident pupils and resident pupils who have completed the course of study prescribed for the fifth form of Public Schools may be charged such fees as the board or boards may deem expedient, but such fees shall be uniform for residents and non-residents and shall not exceed $1 a month for each pupil.

PART II.

Establishment by county council.

5.—(1) The council of a county with the approval of the Minister may establish one or more Continuation Schools, each of which shall have at least two teachers engaged for their whole time, in any township, town or village in the county.

(2) Where a Continuation School is established in a village or town the county council may attach to the village or town for the purposes of this section any portion of a township contiguous thereto. Attaching part of township to village or town.

(3) A village or town in which a Continuation School is established with the territory, (if any), so attached shall constitute an Urban Continuation School District. Urban district.

(4) Where the school is established in a township, the township, except such part thereof as is included in an Urban Continuation School District shall constitute a Rural Continuation School District. Rural district.

(5) The council of a municipality in territory without county organization, may, with the approval of the Minister, establish a Continuation School and the amount which would be contributed by the county if such school had been established by a county council towards the establishment and maintenance of the school or the maintenance of non-resident pupils attending the same shall be paid by the Treasurer of Ontario on the certificate of the Minister out of any moneys appropriated for that purpose. In provisional judicial districts.

6.—(1) The control and management of all Continuation Schools in a Continuation School District shall be vested in one Board of Trustees to be composed as follows:— Board of trustees.

(*a*) Three trustees to be appointed by the council of the township or other municipality in which the school is situate;

(*b*) Where an Urban Continuation School District includes a part of a township one additional trustee appointed by the township council;

(*c*) Three trustees to be appointed by the county council, and

(*d*) If there is a Separate School in a Rural Continuation School District, one trustee to be appointed by the county council from among the persons assessed as Separate School supporters in the township, or

(*e*) If there is a Separate School in an Urban Continuation School District, one trustee to be appointed by the Separate School Board; or

(*f*) If there is a Separate School in territory without county organization, one trustee to be appointed by the council from among the persons assessed as Separate School supporters in the municipality.

Corporate name.

(2) Every such Board shall be a corporation by the name of "The Continuation School Board," inserting the name of the municipality in which the school is situate.

Application of provisions as to High School Boards.

(3) Except as otherwise provided by this Act the provisions of *The High Schools Act*, with respect to the qualification, appointment and tenure of office, and, subject to the Regulations, the provisions of the said Act, as to the powers and duties of High School Boards shall, *mutatis mutandis*, apply to Continuation School Boards.

Rates for maintenance.

7.—(1) The council of a township, village or town in which a Continuation School is established shall levy and collect in each year such amount as the Board may deem necessary for the maintenance of the school over and above what is received from the county council and other sources and a further sum not exceeding $500 in any one year for permanent improvements.

When part of township in urban section.

(2) Where a part of a township has been attached to a town or village under the provisions of this Part the township council shall levy and collect in that part of the township such proportion of the amount required by the Board as the value of the property so liable bears to the value of all the property included in the district according to the equalized assessment of the year.

Where amount required for permanent improvements exceeds $500.

(3) Where the sum required by the Board for permanent improvements exceeds $500 the same shall be raised on the application of the Board in the same manner as is provided with respect to High Schools by section 36 of *The High Schools Act*.

County contribution in lieu of equivalent of legislative grant.

(4) Where the cost of maintenance of county pupils at a Continuation School exceeds the amount apportioned by the Minister and the fees received from county pupils, the county shall in lieu of the equivalent of the amount apportioned out of the Legislative grant, pay to the Continuation School Board a sum to be ascertained in the same manner as is provided with respect to High Schools by section 32 of *The High Schools Act*.

Fees.

8. A Continuation School Board may charge such fees as it deems proper, but such fees shall not exceed $1 a month for each pupil, and shall be uniform for all classes of pupils.

PART III.

Schools not to be established where there are High Schools.

9. A Continuation School shall not be established or maintained in a High School District.

10.—(1) Subject to the provisions of subsection 4, of section 7, the council of the county in which a Continuation School is situate shall pay towards the maintenance of such school a sum equal to the amount apportioned to the school by the Minister out of the Legislative grant, and the county council may contribute such further sum as it may deem expedient. County grant.

(2) The council of united counties may apportion the amount to be levied for Continuation Schools so that each county in the union shall be liable only for sums payable in respect to Continuation Schools situate therein. Apportionment between united counties.

(3) Where an Agricultural Department is established in a continuation school, the council of the county in which the continuation school is situated, shall on or before the 15th day of December in each year pay to the board of the school in which such department is established the sum of $500 which shall be applied by the board to the purposes of such department.

11. Pupils whether resident or non-resident may be admitted to a Continuation School in accordance with the Regulations governing the admission of pupils to High Schools or on the report of the principal approved by the Public School Inspector. Admission of pupils.

12. Every teacher appointed as principal or assistant in a Continuation School shall possess such qualifications as may be prescribed by the Regulations. Qualification of teachers.

13. The courses of study in Continuation Schools shall be such as are prescribed by the Regulations. Courses of study.

No. 223.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Continuation Schools.

First Reading, 30th March, 1909.

Mr. PYNE.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 224 **BILL.** 1909

An Act respecting Companies for the Improvement of Rivers and Streams.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Material to be fyled with application for incorporation.

1. With the application for incorporation of a company having for its object or one of its objects the improvement of any river, stream or creek for the purpose of storing and regulating the flow of water therein, the applicants shall produce to the Provincial Secretary

(*a*) Evidence that the proposed capital is sufficient to carry out the objects for which the company is to be incorporated; that such capital has been subscribed or underwritten and that the applicants are likely to command public trust and confidence in the undertaking;

(*b*) A detailed description of the works and intended operations of the company and an estimate of their cost;

(*c*) Plans prepared by an Ontario Land Surveyor showing the location of the proposed works and a description of the lands which it will be necessary to acquire or which will be flooded or otherwise affected by the construction and operation of the works;

(*d*) A statement of any existing improvements on the lands so to be acquired or affected and the value of such improvements.

Reference of application to Hydro-Electric Power Commission.

2. The application and the material fyled thereon shall be referred by the Provincial Secretary to the Hydro-Electric Power Commission of Ontario, hereinafter called "The Commission."

Examination and report of Commission.

3. The Commission shall cause an examination to be made of the material so fyled and may direct that an engineer to be named by the Commission shall report upon the application.

Commission may direct changes in plans, etc.

4. The Commission upon such examination and report may direct such alteration as it may deem necessary in the plans, specifications and estimates and that any land be included in or excluded from the same.

Commission to certify report to Minister.

5. The Commission shall certify its report on the application to the Provincial Secretary as soon as conveniently may be.

Letters patent not to be granted without approval of Commission.

6. Letters patent of incorporation shall not be granted to the company until the Commission has certified its approval of such application and of the plans, specifications and estimates submitted or altered.

Tolls.

7. The company may levy and collect tolls for the use of the water stored or regulated by it from any individual or corporation using the same and benefited by the works of the company.

Control of tolls by Commission.

8. The Commission shall from time to time determine the persons from whom, the times when and the rates at which such tolls may be levied and collected and in so doing shall have regard to the amount required to repay the amount expended upon the construction of the works and interest thereon, and to the cost of maintenance and supervision as well as to the benefit derived by each of such users, and may from time to time direct that such tolls shall be increased or reduced or shall cease to be payable as the Commission may deem just.

Application of 7 Edw. VII., c. 34, parts 12 and 13.

9. Parts 12 and 13 of *The Ontario Companies Act* excepting sections 154, 155, 156 and 161 shall apply to the Company.

Disputes, how determined.

10. Where a dispute arises between any individual or corporation and the company as to the tolls payable or the manner and time of delivery of water by the company the same shall be determined by the Commission whose decision thereon shall be final.

By-laws for aiding company.

11. The council of any municipality may pass by-laws for aiding any such company by:—

(*a*) Subscribing for and taking stock in such company for such amount as the council may deem proper, or

(*b*) Granting annually money to such amount and for such term of years as the council may deem proper;

but no such by-law shall be finally passed until the same shall have been submitted to and shall have received the assent of the electors qualified to vote on by-laws for the creation of debts in the manner provided by *The Consolidated Municipal Act, 1903*, nor until the same shall have been approved by the Lieutenant-Governor in Council.

No. 224.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Companies for the Improvement of Rivers and Streams.

First Reading, 31st March, 1909.

Mr. McGARRY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 225 **BILL.** 1909

An Act to amend The Ontario Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

7 Edw. VII., c. 34 amended.

1. *The Ontario Companies Act*, being Chapter 34 of the Statutes of the seventh year of the reign of His Majesty Edward VII., is hereby amended by adding thereto the following:—

PART XI (*a*).

CO-OPERATIVE SOCIETIES.

Interpretation. "Society."

1.—(1) The word "society" in this Part of this Act shall include corporations and companies to which this Part of the Act is made applicable by the letters patent or otherwise as is set out in this Part of the Act.

"Member."

(2) The word "member" shall include a member of a corporation and a shareholder of a company.

Incorporation without share capital.

2. Societies for carrying on co-operative industries, trades or businesses, whether wholesale or retail, may be incorporated with or without share capital under the provisions of this Part of this Act.

"Co-operative" to form part of name.

3. Every such society shall have as part of its name the word "co-operative."

Incidental and ancillary powers.

4. Such societies shall have, as incidental and ancillary powers, those set out in section 17, paragraphs (*a*), (*c*), (*e*), (*f*), (*i*), (*j*), (*l*), (*n*), (*o*) (*p*) and (*q*).

Application for incorporation.

5. The applicants for incorporation of a society shall, with the petition for incorporation, which may be in the form or to the effect of Schedules "A" or "C" to this Act,

forward in duplicate the by-laws of the proposed society which shall contain provisions in respect of the several matters mentioned in Schedule "E" of this Act.

Certifying to by-laws.

6. The Provincial Secretary, on being satisfied that such by-laws are not contrary to the provisions of the Act shall certify a copy thereof under the seal of the Provincial Secretary and attested by the hands of the Provincial Secretary or Assistant Provincial Secretary, and said copy shall be *prima facie* evidence that the same are the by-laws of the society, and are in force.

Amendments of by-laws.

7. Amendments of the by-laws of a society shall not be valid or acted upon until the same, in duplicate certified by the President and Secretary with the seal of the society affixed thereto, have been filed in the office of the Provincial Secretary.

Certifying to amendments.

8. The Provincial Secretary, on being satisfied that such amendments are not contrary to the provisions of this Act, shall forward a copy thereof, certified as provided by section 5 hereof, to such society and the same shall be *prima facie* evidence that such amendments have been filed and are in force.

Copy of by-laws to be given to members.

9. A copy of such by-laws shall be delivered to every member on demand.

Prescribing forms of instruments.

10. The said by-laws or any schedule thereto may set out the form of any instrument necessary for carrying the purposes of the society into effect.

Shares may be withdrawable.

11. The shares of a society with share capital may, subject to the by-laws, be withdrawable.

Lien on shares for debt due to society.

12. A society shall have a lien on the shares or other interest of any member for any debt due to it by him and may set off any sum credited to the member therein or towards the payment of such debt.

Annual financial statement.

13. Every such society shall, together with the return required by section 131, transmit to the office of the Provincial Secretary a copy of the balance sheet, statement of income and expenditure and report of the auditor presented to the last annual meeting pursuant to section 36, and, if the society is not one with share capital, a list of members and *mutatis mutandis* all provisions of section 131 shall apply to such balance sheet statement, report and list of members.

14. Every such society shall furnish every member with a copy of said balance sheet, statement of income and expenditure and report of the auditor on demand. Members to have copy of statement.

15. The Provincial Secretary may, whenever he sees fit, require a society to make a return upon any special subject connected with the affairs of the society, and the society shall make such return within the time mentioned in the notice requiring such return. Special return to Provincial Secretary.

16.—(1) Upon the application of ten members of a society, each of whom has been a member of the society for not less than twelve months immediately preceding the date of the application, the Provincial Secretary may Appointment of inspectors to examine books, etc.

(*a*) Appoint an accountant to audit the books of the society and to report thereon;

(*b*) Appoint an inspector or inspectors to examine, inspect and report upon the affairs of such society, or

(*c*) May call a special meeting of the society.

(2) The Provincial Secretary may, if he thinks fit, require the applicants to give security for the costs of the proposed audit, inspection or meeting, before appointing any inspector or calling such meeting. Security may be required from applicant for inspection.

(3) The expenses incidental to such audit, inspection or meeting shall be defrayed by the members applying for same or out of the funds of the society or by the members or officers or former members or officers of such society, in such proportions as the Provincial Secretary shall direct. Expenses of inspection.

(4) An auditor or inspector appointed under this section may require the production of all or any of the books, accounts, securities and documents of the society and may examine on oath its officers, members, agents and servants in relation to its business, and may administer an oath accordingly. Powers of auditor or inspector.

(5) The Provincial Secretary may direct at what time and place a special meeting under this section is to be held and what matters are to be discussed and determined at the meeting, and the meeting shall have all the powers of a meeting called according to the by-laws of the society and shall in all cases have power to appoint its own chairman any by-laws of the society notwithstanding. Special meetings.

17. The by-laws of the society shall bind the society and all members thereof, and all persons claiming through them respectively to the same extent as if each member had subscribed his name and affixed his seal thereto, and there By-laws binding on members.

were contained in such by-laws a covenant on the part of such member, his heirs, executors, administrators and assigns, to conform thereto, subject to the provisions of this Act.

Giving false copy of by-laws.

18. Any person who, with intent to mislead or defraud, gives to any other person a copy of any by-laws other than the by-laws for the time being certified by the Provincial Secretary, on the pretence that the same are the existing by-laws of a society incorporated under this Part of this Act or to which this Part of this Act is applicable, or that there are no other by-laws of such society, or gives to any person a copy of any by-laws on the pretence that such by-laws are the by-laws of such a society when such society is not so incorporated or this Part of the Act is not applicable thereto, shall be liable on summary conviction of fifty dollars and costs.

Application to corporations created under Rev. Stat., 201, 202, and 63 V., c. 26.

19. This Part of this Act shall be applicable to corporations or companies heretofore incorporated under the provisions of Chapters 201 and 202 of the Revised Statutes of Ontario, 1897, and the Act passed in the 63rd year of Her late Majesty's reign, Chaptered 26, and to co-operative corporations or companies heretofore incorporated under this Act.

SCHEDULE "E."

Matters to be provided for by the By-laws of Societies under Part XI. (*a*) of the Act.

1. Object, name and place of the office of the society.
2. Terms of admission of the members.
3. Mode of holding meetings, scale and right of voting and of making, altering or rescinding by-laws.
4. The appointment and removal of a committee of management by whatever name, of managers or other officers and respective powers and remuneration.
5. Determination of the amount of interest not exceeding one thousand dollars in the shares of the society which any member may hold.
6. Determination whether the shares of any of them or membership shall be transferable and provisions for the form of transfer and registration of the shares or membership and for the consent of the committee thereto; determination whether the shares or any of them shall be withdrawable, and provisions for the mode of withdrawal, and for payment of the balance due thereon on withdrawing from the society.

7. Determination whether and how members may withdraw from the society and provision for the claims of the representatives of deceased members.

8. Mode of application of profits.

9. Provisions for the custody and use of the seal of the society.

10. Determination whether and by what authority and in what manner any part of the capital may be invested.

11. Settlement of disputes between a society and its members, or between any officers and members, or between members with respect to dealings with the society.

12. Bonds or other security to be given by officers of the society or other persons having custody of any funds or property of the society.

No. 225.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Companies Act.

First Reading, 31st March, 1909.

Mr. HANNA.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 226 **BILL.** 1909

An Act to license and regulate Private Detectives and Detective Agencies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Private detectives to be licensed.

1. No person shall for hire or reward engage in or advertise the business of a private detective or engage in the business of furnishing or supplying information as to the personal character of any person, or as to the character or kind of business and occupation of any person, save and except as to the mercantile or financial rating of persons engaged in business, without having first obtained a license from the Provincial Treasurer.

Application.

Security by applicant.

2. Any person desiring the license in section 1 of this Act mentioned, shall apply in writing to the Provincial Treasurer in the form set out in Schedule "A" to this Act, and shall enter into a bond, approved by the Provincial Treasurer, with two sufficient sureties, or executed by a Guarantee Company, in the sum of $2,000 for the faithful, honest and lawful conduct of such business by such applicant.

License issued upon payment of fee.

3. The Provincial Treasurer, upon such application and upon such further inquiry and investigation as he may deem proper of the character and competency of the applicant and upon approving the bond in section 2 mentioned and upon receiving from the applicant the fee of $200, may issue and deliver to such applicant a license in the form set out in Schedule "B" hereto, to conduct such business for the term of one year from the date thereof. Such license may be renewed annually on a further payment of $200 per annum; but shall be revocable at any time by the Provincial Treasurer for cause.

Saving as to employees of detectives.

4. Nothing in this Act shall apply to employees of duly licensed private detectives; but a licensed private detective shall be responsible for the conduct of his employees.

Penalty.

5. Any person carrying on business in contravention of this Act shall be liable on summary conviction to a fine not exceeding $500, nor less than $200 and costs and in default of payment, to imprisonment for a term not exceeding three months.

No. 226.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to license and regulate Private Detectives and Detective Agencies.

First Reading, 31st March, 1909.

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 226 **BILL.** 1909

An Act respecting Private Detectives.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as "*The Private Detectives Act.*"

Private detectives to be licensed.

2. No person shall for hire or reward engage in or advertise the business of a private detective without having first obtained a license from the Provincial Treasurer.

Application.

Security by applicant.

3. Any person desiring the license in section 1 of this Act mentioned, shall apply in writing (*Form I., Schedule "A"*) to the Provincial Treasurer, and shall enter into a bond, approved by the Provincial Treasurer, with two sufficient sureties, executed by a Guarantee Company, in the sum of $2,000 for the faithful, honest and lawful conduct of such business by such applicant.

License issued upon payment of fee.

4. The Provincial Treasurer, upon such application and upon such further inquiry and investigation as he may deem proper of the character and competency of the applicant and upon approving the bond in section 2 mentioned and upon receiving from the applicant the fee of $200, may issue and deliver to such applicant a license (*Form II., Schedule "A"*) to conduct such business for the term of one year from the date thereof. Such license may be renewed annually on a further payment of $200 per annum; but shall be revocable at any time by the Provincial Treasurer for cause.

Saving as to employees of detectives.

5. Nothing in this Act shall apply to employees of duly licensed private detectives; but a licensed private detective shall be responsible for the conduct of his employees.

Provincial or County Constables not to act as detectives.

☞6. No person while holding the position of a Provincial or County Constable shall do any of the things for which a license is required by section 2 of this Act.☜

Penalty.

7. Any person *doing anything* in contravention of this Act shall be liable on summary conviction to a fine not exceeding $500, nor less than $200 and costs and in default of payment, to imprisonment for a term not exceeding three months.

Not to apply to barristers, solicitors, or their employees.

☞8. This Act shall not apply to barristers, solicitors or their employees.☜

FORM I.

(*Section 3.*)

AN ACT RESPECTING PRIVATE DETECTIVES.

I, of the of in the County of , apply for a license under the said Act to engage in the business of a private detective and furnishing information as provided in the said Act.

Dated the day of , 19 .

To the Honourable
The Provincial Treasurer.

FORM II.

(*Section 4.*)

AN ACT RESPECTING PRIVATE DETECTIVES.

Pursuant to the provisions of this Act I hereby grant permission to of the of in the County of ,to carry on the business of a private detective and furnishing information under the provisions of the said Act.

This license is to be in force for one year from this date.

Dated this day of 19 .

Provincial Treasurer.

No. 226.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Private Detectives.

First Reading, 31st March, 1909.
Second Reading, 1st April, 1909.

(*Reprinted as amended by Committee of the Whole House*).

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 227

BILL.

1909

An Act to amend The Ontario Railway Act, 1906.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

6 Edw. VII., c. 30 amended.

1. *The Ontario Railway Act, 1906*, is amended by adding thereto the following as section 193*a*:

Operation of street cars on Sunday in city of 50,000.

193*a*.—(1) Subject to subsections 2 and 3 and nothwithstanding anything in this Act or any other Act contained street cars may be operated on Sunday within the limits of a city having a population of over 50,000 after a majority of those voting of the electors qualified to vote at municipal elections have voted in the affirmative in answer to the question: "Are you in favour of operating street cars on Sunday?"

Submitting question to electors.

Ascertaining population.

(2) The question shall not be submitted until the Lieutenant-Governor in Council has declared that the population of the city is over 50,000, and the Lieutenant-Governor in Council may require a census to be taken and may prescribe the nature of the census and the time and manner of taking the same.

Declaration as to population conclusive.

(3) When the Lieutenant-Governor in Council has declared that the population of the city is over 50,000 the question may be submitted at the annual municipal election.

Employees not to work more than six days in the week.

(4) No employee shall be required or permitted to work for more than six days of ten hours each in any one week.

Penalty.

(5) For each day on which a breach of subsection 4 is committed the city or company shall incur a penalty not less than $..... and not exceeding $..... recoverable at the suit by any person in any court of competent jurisdiction and any judgment for a penalty shall form a first lien on the property, assets, rents and revenues of the street railway.

Agreement not to be affected.

(6) Nothing in this section contained shall entitle any street railway company, which has entered into an agreement with any municipal corporation not to run cars on Sunday to run any of their cars on any Sunday unless and until such company shall have received permission from the council of such corporation by by-law to run their cars on Sunday, and then only under and subject to such terms, conditions, stipulations, regulations, obligations, provisoes and things as may be contained in such by-law, and also under and subject to such terms, conditions, stipulations, regulations, obligations, provisoes and things as may be contained in an agreement to be first made and entered into by such company with such corporation before such company shall be entitled to run any car on any Sunday.

No. 227.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Ontario Railway Act, 1906.

First Reading, 1st April, 1909.

Sir JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 228 1909

BILL.

An Act respecting Aid to the Canadian Northern Ontario Railway.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. The word "Company" shall mean The Canadian Northern Ontario Railway Company.

Lieutenant-Governor may make grant of land to Canadian Northern Ontario Railway Company.

2. The Lieutenant-Governor in Council may set apart out of the ungranted lands of Ontario, within the Districts of Algoma and Thunder Bay and grant as a subsidy to the Company as hereinafter provided four thousand (4,000) acres of land for every mile of railway which may be constructed by the Company from a point on its constructed line, as shewn on the map of such line filed in the Department of Crown Lands, at or near Sellwood Junction northerly and westerly towards Port Arthur, for a distance not exceeding five hundred (500) miles.

Land to be designated by Minister of Lands, Forests and Mines.

3. Subject to the provisions of this Act the said lands shall be granted to the Company in alternate blocks, designated by the Minister of Lands, Forests and Mines, of one township of nine miles square immediately adjoining or abutting upon the said line of railway extending along the said line of railway in the clay belt. Any deficiency in acreage granted by this Act shall be set apart at such places and in such areas as may be directed by the Lieutenant-Governor in Council.

Conditions of land grants.

4. The granting of the said land is subject to the following express terms and conditions:—

Time of commencement and completion of line.

(*a*) The work of constructing the said line of railway shall be commenced within one year after the passing of this Act and shall proceed with the utmost despatch and shall be completed by the

thirty-first day of December, A.D. 1913, unless prevented by causes beyond the control of the Company, in which case the Lieutenant-Governor in Council may grant such extension as he may deem advisable for the period of such delay.

Sale of lands granted to be subject to control of Lieutenant-Governor.

(*b*) The said lands shall be sold at such times, under such conditions and for such prices as the Lieutenant-Governor in Council shall by order in Council from time to time determine and any sale of the said lands or any portion thereof made at any time in breach of this subsection shall be void.

Tenure of lands granted.

5. The lands hereinbefore set forth to be granted to the said Company shall be granted in fee simple subject to the following reservations:

Reservation of minerals.

(*a*) All ores, mines and minerals, base and precious, and all powers, rights and privileges appertaining thereto and necessary for the proper working of the same shall be expressly reserved for the Crown and shall be the property of His Majesty, who may deal with the same as provided by *The Mining Act of Ontario*.

8 Edw. VII., c. 21.

Reservation of pine timber.

(*b*) All pine timber, on lands granted to the Company, save Jack Pine on land not suitable for agricultural purposes and save all such pine as shall be actually necessary for bridge-work and other construction purposes, shall be reserved to the Crown and be the property of His Majesty, who may place the same under Timber License and grant the licensees of the Crown the right to enter upon the lands, make roads, and do all things necessary to the removal of the said pine timber.

Settlers' right to timber on agricultural lands.

(*c*) On lands fit for agricultural purposes the settlers thereon shall have the right to cut and use all such timber not reserved to the Crown as they may require for building and fencing on the lands on which they are settled, and firewood.

Land to be granted on construction of ten-mile sections.

6. Upon the construction of any section of ten miles of the said line of railway, the Lieutenant-Governor in Council upon the request of the Company, may grant to the Company the acreage earned by it in respect of such construction but subject to the provisions of this Act.

4 Edw. VII. c. 18.

7. Subsections 1 and 2 of section 2, and sections Nos. 3, 4, 5, 6, 7, 19 and 22 of the Act passed in the 4th year of His Majesty and Chaptered 18, are hereby incorporated

by reference *mutatis mutandis* and omitting all those portions of said sections referring to cash subsidies, with the word "Company" substituted for the words "Grand Trunk Pacific Railway Company" and the words "Lieutenant-Governor in Council" for the words "The Railway Committee of the Executive Council of Ontario," and the words "*The Ontario Railway Act, 1906,*" for the words "*The Railway Act*" wherever the same occur in such sections.

Lands to be surveyed.

8. The unsurveyed lands to be granted to the company shall be surveyed by the Crown Lands Department and the plans and field notes thereof filed in the said Department; the surveys shall be in accordance with the system of surveys prescribed for the Crown Lands.

Certain lands to be excepted.

9. Where a block of land allotted to the said company includes within its limits lands located or claimed by settlers or others having any right or interest therein under any Act of this Province, either as purchasers from the Crown or as *bona fide* applicants therefor, the lands so settled upon, purchased or applied for shall not be included in the block of land allotted to such company, but such company shall be entitled to an equal acreage of other land in lieu thereof, and the said substituted lands may be set apart and allotted as provided in section 3 of this Act.

7 Edw. VII. c. 23, s. 58 repealed 62 Vict. (2), c. 23.

10. Section 58 of *The Statute Law Amendment Act, 1907*, is hereby repealed and all subsidies to the James Bay Railway given by the Act passed in the second Session held in the 62 vear of the reign of Her late Majesty Queeen Victoria, Chaptered 23, are hereby cancelled and revoked.

No. 228.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Aid to the Canadian Northern Ontario Railway.

First Reading, 1st April, 1909.

SIR JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 229 1909

BILL.

An Act respecting the Manitoulin and North Shore Railway Company.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Extension of time for earning land grant under 1 Edw. VII., c. 23.

1. An extension to the 31st day of December, 1911, is hereby granted to The Manitoulin and North Shore Railway Company to earn the Land Grant granted to said railway by the Act passed in the first year of the reign of His Majesty, King Edward VII., Chaptered 23, with respect to that portion of the line of railway of said Company from Little Current, in the District of Manitoulin, to the Town of Sudbury; provided, however, that the following conditions shall be fulfilled and performed to enable or entitle the Company to have or obtain any of the Land Grants provided by said Act;

Conditions.

(*a*) That the Railway Company begins the surveys of the line on or before the 1st day of May, 1909.

(*b*) That the Railway Company begins actual construction on or before the 1st day of July, 1909, and expends $15,000 a month for each month of the six months ending 31st December, 1909, in actual construction work.

(*c*) That the Railway Company continues construction during the whole of the year 1910, and from 1st day of January, 1910, expends not less than $25,000 each month throughout the year in actual construction work, and

(*d*) That the Railway Company completes at least 36 miles of the line by the 31st day of January, 1911, in addition to the portion of the railroad now constructed and in operation, and completes the entire lines from Sudbury to Little Curent on or before the 31st day of December, 1911.

Performance of conditions to be satisfaction of condition imposed by 1 Edw. VII., c. 23,

2. The fulfilment and performance of the conditions set out in section 1 of this Act shall be deemed and taken as a fulfilment and performance of the obligations imposed and as a satisfaction of the conditions necessary for the earning of the Land Grant under said Act passed in the first year of the reign of His Majesty, King Edward VII., Chaptered 23, and any amendments thereto.

Cash subsidy.

3. There shall be granted out of the Consolidated Revenue Fund to The Manitoulin and North Shore Railway Company for the construction of a railway from the Town of Little Current to a point about 13 miles from the Town of Sudbury, a distance not exceeding 53 miles, a cash subsidy of $5,000 a mile.

How and when payable.

Proviso.

4. The subsidy granted by section 3 of this Act is subject to the performance by the Railway Company of the conditions set out in section 1 of this Act; provided, however, that such cash subsidy may be paid to the Company as each section of ten miles in length of railway is constructed and completed, so as to admit the regular running of trains thereon. In all other respects such subsidy shall be payable subject to the conditions, so far as the same are applicable, contained in the Act respecting aid to certain railways in the first year of the reign of His Majesty, King Edward VII., Chapter 22.

1 Edw. VII. c. 22.

52 Vict. c. 35, to apply to cash subsidies.

5. The provisions of section 2, of chapter 35, of the Acts passed in the 52nd year of the reign of Her late Majesty, Queen Victoria, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act not inconsistent with this Act shall apply to the grants of cash subsidies hereby made, the mileage payments being proportional.

Reservation to the Lieutenant-Governor of power to grant running powers to other railways.

6. The granting of such subsidy and the receipt thereof by the Company shall be subject to the condition that the Lieutenant-Governor in Council may at all times require the Company to provide and secure to other railways such running rights, powers, traffic arrangements and other rights over and in respect of the Company's railway as will afford to all railways connecting with the said line so subsidized, reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements with connecting companies and equitable mileage rates between all such connecting railways.

6 Edw. VII. c. 19, s. 46, repealed.

7. Section 46 of the Act passed in the 6th year of His Majesty's reign and Chaptered 19 is hereby repealed.

No. 229.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Manitoulin and North Shore Railway Company.

First Reading, 1st April, 1909.

SIR JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 230 **BILL.** 1909

An Act respecting the Algoma Central and Hudson Bay Railway Company.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Land grant to Algoma Central and Hudson Bay Railway Company. 63 Vict. c. 30.

1. An extension to the 31st day of December, 1911, is hereby granted to The Algoma Central and Hudson Bay Railway Company to earn the Land Grant, granted to said Railway by the Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, Chap. 30; provided, however, that the following conditions shall be fulfilled and performed to enable or entitle the Company to have or obtain any of the land grants provided by said Act:

Condition for extension of line to earn grant.

(*a*) That The Lake Superior Corporation commences forthwith work on the extension and betterment of the plants of the Sudsidiary Companies of said Corporation at Sault Ste. Marie, Ontario, and expends in such extension and betterment at least $1,500,000 by the 31st of December, 1910.

(*b*) That the Railway Company begins at once the survey and exploration and begins actual construction work on the railway on or before the 1st day of May, 1910, and from such date expends at least the sum of $25,000 per month on such construction work until the railway has been extended, including the main line and the Michipicoten Branch, to a connection with the main line of the Canadian Pacific Railway, such extension to be completed by the 31st of December, 1911.

(*c*) That the Crown shall have the right to throw open the 1,439,300 acres of land approximately set aside in respect of such Land Grant by Order-in-Council dated the 4th day of February, 1905, to prospectors, including the prospectors of the Company, until the 31st day of Decem-

ber, 1910, or such earlier date as the Company shall have completed the railway to the main line of the Canadian Pacific Railway, or the Crown may agree to, and that title to any minerals discovered on said lands be conferred upon the discoverer thereof or other party entitled thereto, under and pursuant to the provisions of *The Mining Act of Ontario*, not including, however, any iron, coal, iron pyrites or nickel contained in such lands, all of which shall be reserved for the Company; any moneys to be received by the Crown in respect of such minerals to be set apart by the Crown for the Company and to be paid to the railway company when the conditions on which the Land Grant is earned have been fulfilled.

(*d*) That the Crown shall have the right to permit settlers to enter on and to grant patents to *bona fide* settlers on the land set aside in respect of such Land Grant, reserving all minerals; the Crown to place in a special fund all moneys received by it in respect to these lands, such moneys to be paid over to the Company on its compliance with the above conditions.

(*e*) That, where any party at the date of the passing of this Act may have made *bona fide* discovery of minerals on the said lands, and where such discovery has been duly proved under the terms of *The Mining Act of Ontario*, within sixty days from said date, the Crown shall have the right to grant such person or persons patents to the lands, including the usual rights as to the minerals discovered under and pursuant to the provisions of *The Mining Act of Ontario*, on the various provisions of said Act being complied with.

Conditions substituted for certain other conditions.

2. The fulfilment and performance of the conditions set out in section one of this Act shall be deemed and taken as a fulfilment and performance of the obligations imposed and as a satisfaction of the conditions necessary for the earning of the Land Grant under said Act passed in the 63rd year of the reign of Her late Majesty, Queen Victoria, Chapter 30, and any amendments thereto.

63 V., c. 30.

No. 230.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

First Reading, 1st April, 1909.

SIR JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 231 **BILL.** 1909

An Act to amend the Temiskaming and Northern Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Temiskaming and Northern Ontario Railway Act* passed in the 7th year of His Majesty's reign, Chaptered 18, is hereby amended by adding thereto the following subsection: 7 Edw. VII., c. 18, s. 3, amended.

(2) It shall be lawful for the Commission with the approval of the Lieutenant-Governor in Council to establish a Land Department to administer town sites and do such other work as shall be designated by the Commission; and it shall further be lawful for the Commission with such approval as aforesaid from time to time when deemed advisable to appoint one of the Commissioners to take the charge and oversight of such Department and to pay to such Commissioner while in charge of such Department such remuneration, in addition to the honorarium aforesaid as the Commission shall see fit not exceeding at the rate of $1,500 per annum. Establishment of Land Department.

2. Section 4 of the said Act is amended by adding thereto the following subsections: 7 Edw. VII., c. 18, s. 4 amended.

(2) The Commission, subject to the approval and direction of the Lieutenant-Governor in Council may construct and operate an extension of said line of railway from a point at or near Charlton, the present terminus of the Charlton branch, in a westerly and southwesterly direction to a point at or near Gowganda and subject as aforesaid shall have and may exercise the like powers with respect to the extension authorized by this subsection as it has and may exercise with respect to the railway authorized by subsection 1 of this section.

7 Edw. VII., c. 18, s. 16, amended.

3. Section 16 of said Act is amended by adding thereto the following subsections:

Expropriation of easements, etc.

(2) The Commission may from time to time at its option in lieu of expropriating land under the provisions of any such *General Railway Act*, expropriate such easements, rights of user and rights of support as shall be indicated in any notice to be given by the Commission in that behalf, and in any such case the compensation to the owners or other persons interested in any such lands shall be reasonable compensation for such easements, rights of user and rights of support.

Carrying railways over highways.

(3) The railway of the Commission, including any branch lines, spurs or sidings, may be carried along or across existing highways upon leave therefor having been first obtained from the Ontario Railway and Municipal Board; and sections 90 to 97 inclusive of *The Ontario Railway Act, 1906*, shall apply to any such occupation of existing highways, and to the construction and use of any such railways carried along or across the same, and to any application for such leave.

No. 231.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Temiskaming and Northern Ontario Railway Act.

First Reading, 2nd April, 1909.

Mr. REAUME.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 232 1909

BILL.

An Act respecting the Queen Victoria Niagara Falls Park.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *"The Queen Victoria Niagara Falls Park Act, 1909."*

Power to make further issue of debentures.

2. In order to complete the work proposed and purchase lands necessary thereto, as described in section 2 of the Act passed in the Eighth year of His Majesty's reign, intituled *An Act respecting the Queen Victoria Niagara Falls Park*, the Commissioners may, from time to time, with the approval of the Lieutenant-Governor in Council, issue further debentures to an amount not exceeding $000,000, their form and effect, payment with interest, security guarantee and negotiability shall be as provided by section 11 of *The Queen Victoria Niagara Falls Park Act* and the amendments thereto with respect to the debentures therein mentioned, the proceeds of the said debentures as may be ordered by the Lieutenant-Governor of Ontario in Council shall be applied as provided by section 2 aforesaid.

Works of Commission to be public works of Ontario.

3. All works or lands whereon any expenditures are authorized in pursuance of this Act shall be deemed and are hereby declared to be Public Works of Ontario, notwithstanding they are in the care or charge of the Commissioners; and in any proceedings to acquire lands the Commissioners in respect thereof shall have the powers and proceed in the manner provided by *The Act respecting the Public Works of Ontario*, where the Minister of Public Works takes land or property for the use of the Province and the provisions of the said Act shall *mutatis mutandis* apply.

Accounts confirmed.

4. The accounts of the Commissioners in respect of receipts and expenditure of every description heretofore made and reported by the Commissioners to the Legislature and duly audited under the provisions of the *Act to provide for the better Auditing of the Public Accounts of the Province*, as made applicable by *The Queen Victoria Niagara Falls Park Act*, are approved and confirmed.

Application of revenues and rentals.

5. The revenues and rentals payable or collectable by the several agreements made by and between the Commissioners acting on their own behalf and with the approval of the Government of the Province of Ontario and the Canadian Niagara Power Company, the Ontario Power Company of Niagara Falls and the Electrical Development Company of Ontario, Limited, shall be applied,—

1. To the payment half yearly of the interest payable on the debentures issued by the Commissioners, namely, such as are described in section 11 of the *Queen Victoria Niagara Falls Act*, and such as issued or issuable under the Ontario Act of 1908, chapter 29, in all $700,000, and by this Act,—

2. To provide a sinking fund at the rate of one per cent. per annum on the entire amount of the said debentures.

The application of the sinking fund in respect of said debentures shall be as provided by section 17 of the *Queen Victoria Niagara Falls Park Act*.

Commissioners may continue to collect revenues from Power Companies.

6. Subject to any direction or order of the Lieutenant-Governor of Ontario in Council, and to the provisions of this Act, the Commissioners may continue to collect the revenues and rentals in the next preceding section mentioned, and for the years 1909, 1910, 1911 and 1912, and shall apply the same in accordance with the provisions of the said section.

Application of other revenues.

7. The Commissioners shall apply the other revenues by them collectable in accordance with the provisions of section 16 of *The Queen Victoria Niagara Falls Park Act*.

No. 232.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting the Queen Victoria Niagara Falls Park.

First Reading, 2nd April, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 233 **BILL.** 1909

The Municipal Amendment Act, 1909.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 11 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 11 amended.

(1*a*) The council or councils of any county or counties may in like manner erect a police village containing over 750 inhabitants into an incorporated village, and any by-law or by-laws heretofore passed by the council or councils of any county or counties erecting a police village containing over 750 inhabitants into an incorporated village shall be as valid and effectual as if this subsection were in force at the time of the passing thereof. Incorporation of police village.

2. Sections 39*a* to 39*o* of *The Consoldiated Municipal Act, 1903*, as enacted by section 2 of *The Municipal Amendment Act, 1906*, are repealed. 3 Edw. VII., c. 19, s.s. 39*a* to 39*o*, repealed. 6 Edw. VII., c. 34.

3.—(1) Section 71*a* of *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following as subsection 3*a*:— 3 Edw. VII., c. 19, s. 71*a*, amended.

3*a*. Notwithstanding anything herein contained the council of a town situate in a Provisional Judicial District, and having a population of more than 5,000 and less than 10,000 may by by-law provide that the council of such town shall be composed of the mayor and nine councillors, to be elected by general vote. Composition of councils in certain towns.

2. Subsection 4 of said section 71*a* is amended by inserting after the word and figure "subsection 3" in the second line the words "or subsection 3*a*."

3. Subsection 7 of the said section 71*a* is amended by inserting after the figure "3" in the twelfth line the figure "3*a*."

3 Edw. VII., c. 19, s. 129, subsec. 3a. amended.

4. Subsection 3*a* of section 129 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "office" in the eighth line thereof the words "and that he is not liable for any arrears of taxes to the municipality, and that there are no arrears of taxes against the lands in respect of which he seeks to qualify."

3 Edw. VII., c. 19, s. 219, subs. 1, amended.

5. Subsection 1 of section 219 of *The Consolidated Municipal Act, 1903*, is amended by adding at the beginning thereof the words "in case the right of a municipality to a reeve or deputy reeve or" and by inserting after the word "appointed" in the 8th line, the words " and when the right of a municipality to a reeve, deputy reeve or reeves is the matter contested, any municipal elector in the county may be the relator, and when the contest is respecting the validity of any such election."

3 Edw. VII., c. 19, s. 276 b, subs. 1, repealed.

6. Subsection (1) of section 276*b* of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:—

Council—how composed.

(1) Notwithstanding anything in this Act or in any special Act contained, the Municipal Council of the City of Toronto shall consist of the Mayor and four Controllers, to be elected from the city at large, and twenty aldermen, three of whom shall be elected from each of the six wards existing on the 1st day of January, 1909, and two from Ward No. 7, and the four Controllers so elected, together with the Mayor shall be the Board of Control for the said city. Provided, however, that when the population of the said Ward No. 7 shall have reached 30,000 (according to the assessment roll) there shall be three aldermen elected from the said ward, and there shall then be in all twenty-one aldermen in the said council.

7. *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following section:

276*c*.—(1) The council of any city having a population of less than 100,000 but more than 45,000 may by by-law provide that the municipal council of the city, shall thereafter consist of a mayor, and four controllers to be elected by the city at large, and the aldermen to be elected from the wards of the city under section 70 of this Act; and the four controllers so elected together with the mayor, shall be the Board of Control for the said city.

(2) Each elector entitled to vote for mayor shall also be entitled to vote for four persons to be elected controllers or for one or more thereof less than four and the aldermen shall be elected in the manner at present provided by-law, by the municipal electors entitled to vote in each of the wards in which they may be qualified so to vote.

(3) The candidates for the office of controller shall be nominated at the same time and place and in the same manner as candidates for the office of mayor are nominated, and the provisions of this Act providing for the nomination and election of a mayor, including election by acclamation, shall except as otherwise provided herein *mutatis mutandis* apply to the nomination and election of controllers.

(4) Any person desiring to vote for a controller or for controllers shall do so by placing a cross opposite the name or names of the candidates for whom he so desires to vote.

(5) No person shall be qualified to be elected to the office of controller who does not possess the property and other qualifications as required for mayor by section 76 of this Act.

(6) The mayor when present, shall preside at the meetings of the Board, and in the absence of the mayor the Board shall select one of their number to preside.

(7) The council may fix by by-law the salaries to be paid to the members of the Board of Control elected under this section; but the same shall not exceed for each member the sum of $1,500 per annum.

(8) If any member of the Board dies, resigns, or becomes incapable of acting, the council may, at a meeting called for that purpose, appoint a successor to hold office for the unexpired portion of the term of such member.

(9) No by-law shall be passed under this section by the council of any city, nor shall any by-law repealing the same be so passed until it shall have been submitted to the electors, and shall have received the assent of a majority of the electors voting thereon.

8. Section 306 of *The Consolidated Municipal Act, 1903*, is repealed. 3 Edw. VII., c. 19, s. 306 repealed.

9. Section 351 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "except" in the fourth line the words "subsections 1, 2, and 4 of." 3 Edw. VII. c. 19, s. 351 amended.

10. Subsection 1 of section 354 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words "and provided further that he has at least ten days next preceding the day of polling filed in the office of the clerk of the municipality a statutory declaration stating that his lease meets the above requirements, and the clerk shall insert or otherwise designate the names of such tenants in the Voters' List prepared in accordance with the provisions of section 348 of this Act, and the notice required by subsection 3 of section 338 of 3 Edw. VII. c. 19, s. 354, subs. 1 amended.

this Act shall also contain a statement that the names of leaseholders neglecting to file such a declaration shall not be placed on the Voters' List for such voting."

3 Edw. VII., c. 19, s. 384, sub sec. 3 amended.

11.—(1) Subsection 3 of section 384 of *The Consolidated Municipal Act, 1903*, is amended by striking out the first three lines thereof and substituting therefor the following:

"(3) The debentures, save as hereinafter provided, shall all be issued within two years after the passing of the by-law unless upon the application of the Council such period of two years is extended by The Ontario Railway and Municipal Board and shall all bear the same date and may, notwithstanding any provision in the by-law, bear any date within such two years, or any extension thereof by such Board provided that" and by inserting in the seventeenth line the words "dated and" before the word "issued."

(2) The said subsection is further amended by striking out all the words in the 17th line after the word "law" and substituting the words "unless upon the application of the council such period of five years or two years respectively is extended by the said Board, and in such case the debentures may be dated and issued accordingly."

(3) Subsection 5 of the said section is amended by adding after the word "by-law" in the last line the words "or by the said Board."

3 Edward VII., c. 19 amended.

12. *The Consolidated Municipal Act, 1903*, is further amended by adding after section 388*a*, the following section:—

Raising amount required to comply with order of Railway Board.

388*b*. The council of any municipality may by by-law passed with the approval of The Ontario Railway and Municipal Board, but without submitting the same for the assent of the electors, raise upon the credit of the municipality such sum or sums of money as may be required to pay and liquidate the share ordered to be paid by such city of the cost of the construction of any work ordered to be constructed by the Board of Railway Commissioners for Canada or the Ontario Railway and Municipal Board or of any work or improvement which in the opinion of The Ontario Railway and Municipal Board has been rendered necessary or expedient by the construction of the bridge, work or improvements ordered by either of the said boards, or to provide from time to time for the cost of acquiring such portion or portions of any toll road as may be or may come to be within the boundaries of such city by reason of the extension of its limits.

13. Subsection 1 of section 389 of *The Consolidated Municipal Act, 1903*, is amended by substituting the word "four" for the word "two," where the same occurs in the first line thereof. 3 Edw. VII., c. 19, s. 389, subs. 1 amended.

14 Section 484 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII. c. 19, s. 484 amended.

(6) The Board of Commissioners of Police in cities may make regulations governing parades or processions on highways, and may from time to time, and as occasion may require, make regulations for the routes of travel to be observed by all vehicles (but this shall not apply to the right of any street railway company to regulate the routes of its cars if so entitled), horses and persons upon the highways, and for preventing the obstruction of the highways in all times of public processions or public demonstrations, and may also give directions to the Police Constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions or times when the highways may be thronged, or liable to obstruction, and may attach penalties for the enforcement of such regulations, and the orders and directions of the police constables thereunder, which penalties may be recovered in the manner provided by law in the case of by-laws passed by such Boards of Police Commissioners. Before such regulations or directions are made by the Board of Police Commissioners which may affect a street railway company the company shall be given an opportunity of presenting its views to the said Board. Regulating traffic.

15. Section 11 of *The Municipal Amendment Act, 1908*, is hereby repealed. 8 Edward VII., c. 48 s. 11 repealed.

16. Subsection (*c*) of paragraph 2 of section 532 of *The Consolidated Municipal Act, 1903*, is amended by inserting after the word "and" in the fourth line thereof, the words "a notice thereof to be approved of by the Judge, shewing the proposed change or changes." 3 Edw. VII., c. 19, s. 532, par. 2 amended.

17. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following section:— 3 Edw. VII., c. 19 amended.

534*a*. Whenever a municipal corporation can expropriate land in virtue of any power conferred upon it by this Act or *The Municipal Waterworks Act* and it appears to the council or the Board of Water Commissioners of the said corporation that it can acquire a larger quantity of land from any particular owner at a more reasonable price on the average, or on terms more advantageous than those upon which it could obtain the portion thereof Taking more land than required.

immediately required by it for its purposes, it may take such larger quantity and may afterwards sell and dispose of the part of such land which is unnecessary for its purposes.

3 Edw. VII., c. 19, s. 541 amended.

18. Section 541 of *The Consolidated Municipal Act, 1903*, is amended by adding the following paragraph:

8. For regulating the location of manure pits, stables, garages, barns or outhouses.

3 Edw. VII., c. 19, s. 542, part 3a amended.

19. Paragraph 3*a* of section 542 of *The Consolidated Municipal Act, 1903*, is amended by inserting at the beginning thereof the words "for regulating and" and by inserting after the word "light" in the second line the word "heat."

3 Edw. VII., c. 19, s. 553, par. 1 amended.

No building except on public street.

20. The paragraph numbered 1 in section 553 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words, "and for preventing the erection of dwellings, or the alteration of other buildings for such purpose, unless the same front on a street which has been duly laid out and accepted by the municipality as a public highway."

3 Edw. VII., c. 19 amended.

21. Section 559 of *The Consolidated Municipal Act, 1903*, is amended by adding the following words and paragraph:—

By the councils of counties:—

Regulating erection of poles, towers, wires, etc., on county roads.

(4*b*) For authorizing and regulating the erection and maintenance of electric light, electric power, telegraph and telephone poles, towers and wires, and the laying of pipes or conduits for the conveyance of water, gas or sewage on roads assumed or controlled by the county.

3 Edw. VII., c. 19, s. 569, subs. 5 amended.

22. Subsection 5 of section 569 of *The Consolidated Municipal Act, 1903*, as enacted by section 21 of *The Municipal Amendment Act, 1906*, and as further amended by section 15 of *The Municipal Amendment Act, 1907*, is hereby further amended by adding after the word "energy" at the end of said last mentioned section 15 the words, "or sewerage works or works for the interception, purification or disposal of sewage," and by inserting after the word "corporation" where the same first occurs in the said subsection the words, "or uses or has used the money of the corporation for the purchase, acquisition or construction of such works," and by inserting after the word "interest" in the fourth line from the end of the said subsection the words "or if it be shown in the case of the extension or improvement of sewerage or sewage works to the satisfaction of the Ontario Railway and Municipal Board that such extensions or improvements are necessary and are

Sewerage or sewage disposal works.

required and approved of by the Provincial Board of Health of Ontario.

23. Paragraph 8 of section 580 of *The Consolidated Municipal Act, 1903*, is repealed and the following substituted therefor:— 3 Edw. VII., c. 19, s. 580, par. 3.

Hucksters, etc.

8. For preventing and regulating the purchase of such things by hucksters, grocers, butchers, runners or wholesalers. For the purpose of this subsection "wholesaler" shall include any one directly or indirectly purchasing or acquiring such things for re-sale."

24. Paragraph 4 of section 583 of *The Consolidated Municipal Act, 1903*, is amended by adding the word "pool" after the word "billiard" wherever it occurs therein, and by adding after the word "force" in the 7th line thereof the words "For limiting the number of licenses to be issued hereunder and for limiting the number of pool, billiard or bagatelle tables which shall be licensed in the municipality." 3 Edw. VII., c. 19, s. 583, par. 4 amended.

25. Paragraphs 12 and 13 of section 583 of *The Consolidated Municipal Act, 1903*, are repealed. 3 Edw. VII., c. 19, s. 583, pars 12 and 13 repealed.

26. Section 587 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 587 amended.

Aid to Industrial Schools.

(13) For granting aid to any philanthropic society, within the meaning of *The Industrial Schools Act*, and upon the board of which the municipal council is represented, for the erection, establishment or equipment of an industrial school.

27. Section 591*c* of *The Consolidated Municipal Act, 1903*, is repealed, and the following substituted therefor:— 3 Edw. VII., c. 19, s. 591*c* repealed.

Grants to ferries.

591*c*. The council of every municipality may pass by-laws for making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of such municipality from another part thereof or separating the municipality from any other municipality in Ontario.

28. Section 595 of *The Consolidated Municipal Act, 1903*, is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may." 3 Edw. VII., c. 19, s. 595 amended.

29. Subsection 1 of section 606 of *The Consolidated Municipal Act, 1903*, is amended by adding after the word "default" in the sixth line the words "if the default from which the damages arose consists of misfeasance or if such 3 Edw. VII, c. 19, s. 606, subs. 1 amended.

Liability for non-report of highways.

default consists of non-feasance and the corporation has had sufficient notice in writing of such latter default to enable it in the ordinary course of its business to remedy the same," and by adding at the end thereof the following words "such notice may be given to the head of the corporation or the clerk thereof or the engineer, pathmaster or other officer of the corporation having supervision over the road, street, bridge, or highway upon or in respect of which such default occurred."

3 Edw. VII., c. 19, s. 610 amended.

5 Edw. VII., c. 22.

30. Subsections 1 and 2 of section 618 of *The Consolidated Municipal Act, 1903*, enacted by section 24 of *The Municipal Amendment Act, 1905*, are repealed and the following substituted therefor:—

Settlement of disputes between counties and local municipalities as to bridges.

618.—(1) Whenever there is a dispute between one or more counties and one or more local municipalities (other than cities and separated towns) as to the duty or liability to build and maintain a bridge in whole or in part or as to the proportions in which they should respectively contribute to the building or maintenance of such bridge the council of any of such municipalities may by resolution set forth the grounds of complaint or the question in dispute and may by such resolution declare that application should be made to the Judge of the County Court of the county or one of the counties for an order determining the matter in dispute.

Resolution to be served on clerks of other municipalities.

(2) After the passing of such resolution the clerk of each municipality shall forthwith serve a copy thereof, certified to be a true copy under his hand and the corporate seal of the municipality, upon the clerk or clerks of the other municipality or municipalities affected.

3 Edw. VII., c. 19, s. 618, subs. 3 amended.

(2) Subsection 3 of the said section is amended by adding after the word "county" in the 4th line the words, "or one of the counties," by adding after the word "clerk" in the 7th line, the words "or clerks" and by adding after the word " municipality" in the 7th line the words "or municipalities."

3 Edw. VII., c. 19, s. 618, subs. 4 amended.

(3) Subsection 4 of the said section is amended by adding after the word "fit" in the 5th line the words "or any."

3 Edw. VII., c. 19, s. 618, subs. 5 amended.

(4) Subsection 5 of the said section is amended by adding after the word "corporation" in the 2nd line the words "or corporations," by adding after the word "office" in the 6th line the words "or offices" and by adding after the word "division" in the 6th line the words "or registry divisions."

31. Section 660 of *The Consolidated Municipal Act, 1903*, is amended by adding thereto the following subsection:— 3 Edw. VII., c. 19, s. 660 amended.

Prizes for Keeping up Roadside, etc.

(5) For granting a prize not exceeding $10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded. Prizes for best kept roadside and farm front, etc.

32. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following immediately after section 663:— 3 Edw. VII, c. 19, amended.

Division VII.

Powers of cities and towns as to aiding townships in constructing and maintaining roads and bridges.

663*a*. The council of any city or town may pass by-laws for granting aid to a township municipality situate in the same or an adjoining county for establishing, opening up, constructing, maintaining, widening, raising, lowering or otherwise improving or repairing a road or bridge in such township which constitutes or forms part of a highway leading to such city or town. Aid from city or town to neighbouring township for construction or maintenance of certain roads.

33. Subsection (1) of section 668 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "such final determination" in the 13th and 14th lines thereof, and inserting in lieu thereof the words "being affixed thereto." 3 Edw. VII., c. 19, s. 668, subs. (1) amended.

34. Subsection (3) of section 669 of *The Consolidated Municipal Act, 1903*, is amended by striking out the words "such final determination" in the 5th line thereof and inserting in lieu thereof the words "being affixed thereto." 3 Edw. VII., c. 19, s. 669 amended.

35. Clause *a* of section 674 of *The Consolidated Municipal Act, 1903*, is amended by adding at the end thereof the words "and the share to be borne by the lands determined to be benefited may be provided for by the issue of debentures on the credit of the corporation at large and assessed upon and charged against such lands as a frontage tax in like manner as in the case of the share of the property owners of other local improvements." 3 Edw. VII., c. 19, s. 674, cl. *a* amended.

36. *The Consolidated Municipal Act, 1903*, is amended by inserting therein the following section:— 3 Edw. VII., c. 19 amended.

679*a*. In entering into a contract for the construction of a pavement or sidewalk as a local improvement, a municipality may require a contractor to guarantee that he shall Guarantee of work.

so construct the same that it shall for a period, not exceeding ten years, remain in good condition and suitable for safe and comfortable travel thereon, and that he will, when required, make good any imperfections therein due to materials, workmanship or construction.

3 Edw. VII., c. 19, s. 679 amended.

37. Section 697 of *The Consolidated Municipal Act, 1903*, is amended by adding the following subsection:—

(2) The council of every town may pass by-laws to authorize companies or individuals to construct tramways, to be used in connection with any manufacturing or other industry, along any highway on such terms and conditions as the council see fit.

No. 233.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

The Municipal Amendment Act, 1909.

First Reading, 1909.

Mr. HANNA.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 234 1909

BILL.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loan of $3,500,000 authorized.

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceding three million five hundred thousand dollars ($3,500,000) for any or all of the purposes following, that is to say: for the public service; for works carried on by Commissioners on behalf of the Province; for the covering of any debt of the Province on open account; for paying any floating indebtedness of the Province, and for the carrying on of the public works authorized by the Legislature.

Term and rate of loan.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at a rate not exceeding four per centum per annum, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Bonds and stock for loan to be free of Provincial taxes.

3. All bonds and inscribed stock issued under the authority of this Act shall be free from all provincial taxes, succession duty, charges and impositions whatsoever.

Sinking fund.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum on the amount of such debentures or stock, as specified in subsection (2) of section 4 of *The Provincial Loans Act*.

No 234.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund of Ontario.

First Reading, 5th April, 1909.

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 235 **BILL.** 1909

An Act to amend the Public Libraries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Libraries Act* passed during the present session, is hereby amended by adding thereto the following as section 00: Public Libraries Act amended.

00. The Board of a Public Library of a city having a population of 100,000 or more, may permit any incorporated Art Museum to occupy for the purposes of its gallery or museum, and on such terms and conditions, and for such period, not exceeding five years, as may be agreed on, any part of the library building owned by the board, not required for immediate use for the purposes of the board, provided that it be a term of the agreement that the board may determine such right of occupation whenever the space is required for the purposes of the board, and that it be also a term of the agreement that the pictures and objects of art of the museum shall be open to public view free of charge on such days as the board and the council of the museum may agree.

No. 235.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Public Libraries Act.

First Reading, 5th April, 1909.

SIR JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 236

BILL.

1909

An Act respecting Security by Guarantee Companies.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short Title.

1. This Act may be cited as "*The Guarantee Companies Securities Act.*"

Interpretation.

2. In this Act "guarantee company" shall mean an incorporated company empowered to grant guarantees, bonds, policies, or contracts for the integrity and fidelity of employed persons, or in respect of any legal proceedings or for other like purposes approved by the Lieutenant-Governor in Council.

Bonds of Guarantee Company may be taken by officers and others.

3. Where any judge, functionary, officer or person is entitled or required to take security by bonds with sureties, he may in lieu thereof take the bond, policy or guaranteee contract of a guarantee company of the like nature and effect.

Person required to give security may give bond of Guarantee Company.

4. Where any person is required to give security by bond with sureties he may in lieu thereof furnish the bond, policy or guarantee contract of a guarantee company of the like nature and effect.

Justification not required.

5. The guarantee company shall not be bound or required to justify.

Bond of Company may be substituted for other bonds.

6. The bond, policy or guarantee contract of a guarantee company may be taken instead of or in substitution for any existing security if the judge, functionary, officer or person mentioned in section 3, sees fit, and so directs, and when taken the existing security shall be delivered up to be cancelled.

Interim receipt in lieu of bond.

7. The interim receipt of a guarantee company may be accepted in lieu of a bond, policy or guarantee contract, but the latter shall be furnished within one month.

Orders in Council approving of Guarantee Company.

8. Every Order in Council approving of a guarantee company shall immediately after the making thereof be published in the *Ontario Gazette*, and shall be laid before the Assembly within the first fifteen days of the next session thereof.

Rev. Stat., c. 220 repealed.

9. Chapter 220 of the Revised Statutes of Ontario, 1897, is repealed.

No. 236.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Security by Guarantee Companies.

First Reading, 5th April, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.

No. 237

BILL.

1909.

An Act respecting Aid to certain Railways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Aid to certain railways.

1. There shall be granted out of The Consolidated Revenue Fund for the construction of the railways hereinafter mentioned, the sums following, that is to say:—

Cash subsidy to the Bruce Mines and Algoma Railway Co.

(*a*) To the Bruce Mines and Algoma Railway Company, from its present terminus at or near Rock Lake, for a distance not exceeding six miles in a northerly direction, a cash subsidy of $3,000 per mile.

Cash subsidy to the Canada Atlantic Railway Co.

(*b*) To the Ontario Central Railway Company, from its present terminus on the Canada Atlantic Railway Company, between Whitney and Madawaska Station, for a distance not exceeding fifteen miles, a cash subsidy of $3,000 per mile.

Land grants to certain railways.

2. The Lieutenant-Governor in Council may set apart by Order in Council, out of the ungranted lands of Ontario, and grant as subsidies to the respective railway companies hereinafter mentioned, as follows:—

To the Bruce Mines and Algoma Railway Co.

(*a*) To the Bruce Mines and Algoma Railway Company, from its present terminus at or near Rock Lake, for a distance not exceeding six miles in a northerly direction, 1,000 acres per mile.

To the Lac Seul, Rat Portage and Keewatin Railway Co.

(*b*) To the Lac Seul, Rat Portage and Keewatin Railway Company, through the Town of Kenora northerly to the Transcontinental Railway, a distance not exceeding twenty miles, 1,000 acres per mile.

To the Superior and Western Ontario Railway Co.

(*c*) To the Superior and Western Ontario Railway Company, from a point on the Fort William branch of the Grand Trunk Pacific Railway, east of Waco Station, northerly a distance not exceeding seven miles, 1,000 acres per mile.

Application of 52 Vic., c 35, s. 2, to the cash subsidies provided by sec. 1.

3. The provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of the reign of Her late Majesty Queen Victoria, respecting the option of substituting half-yearly payments for forty years in lieu of cash payments, and all the conditions provided by section 3 of the said Act, not inconsistent with this Act, shall apply to the grants of cash subsidies hereby made.

Conditions of land grants provided by sec. 2.

4. The granting of the said land to the respective companies hereinbefore mentioned, is subject to the following express terms and conditions:—

(*a*) The work of constructing the Lac Seul, Rat Portage and Keewatin line of railway shall be commenced within two years, and completed within three years from the passing of this Act.

(*b*) The work of constructing the Superior and Western Ontario Railway Company and the Bruce Mines and Algoma line of railway, shall in each instance be commenced within one year, and completed within two years from the passing of this Act.

Ontario Central Railway.

(*c*) The work of constructing the Ontario Central line of railway shall be commenced within three months and completed within two years from the passing of this Act.

Pine timber reserves.

(*d*) All pine timber shall be reserved to the Crown and be the property of His Majesty, who may place the same under Timber License, and grant the licensees of the Crown the right to enter upon the lands, make roads, and do all things necessary for the removal of the said pine timber.

Ores, mines and minerals reserved.

(*e*) All ores, mines and minerals, base and precious, and all powers, rights and privileges appertaining thereto and necessary for the proper working of the same, shall be expressly reserved for the Crown, and shall be the property of His Majesty, who may deal with the same as provided by *The Mining Act of Ontario*.

Unsurveyed lands to be surveyed by Crown Lands Department.

5. The unsurveyed lands to be granted to the Company shall be surveyed by the Crown Lands Department, and the plans and field notes thereof filed in the said Depart-

ment. The surveys shall be in accordance with the system of surveys prescribed for the Crown Lands.

6. Subsection 3 of section 46 of the Act passed in the 6th year of His Majesty, and Chaptered 19, is hereby repealed. 6 Edw. VII., c. 19, s. 46, ss. 3 repealed.

No. 237.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act respecting Aid to certain Railways.

First Reading, 5th April, 1909.

SIR JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 238

BILL

1909

An Act to amend the Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Ontario Public Service Act* is repealed and the following substituted therefor: Rev. Stat., c. 15, s. 20 repealed.

20. No extra clerk shall, except under an Order in Council, be employed in any Department for a period exceeding three months, for which he may be paid at a rate not exceeding two dollars per diem out of the contingencies of the Department on the certificate of the head or deputy head thereof, unless such extra clerk be a person of special attainments and employed as such, when he may be paid at a rate not exceeding the ordinary charge for such services; but any extra clerk may under an Order in Council made on the application and report of the head of the Department that the same is requisite, be employed for a longer period, not exceeding six months, and he shall for such period be borne on the pay list of the Department. At the end of six months, or any lesser period, such extra clerk may be re-appointed by Order in Council for a further period not exceeding six months, and so from time to time.

No. 238.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Public Service Act.

First Reading, 5th April, 1909.

SIR JAMES WHITNEY.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 239 **BILL.** 1909

An Act for granting to His Majesty certain sums of money for the public service of the financial period of ten months ending on the 31st day of October, 1909, and for the public service of the financial year ending the 31st day of October, 1910.

MOST GRACIOUS SOVEREIGN:

Preamble. WHEREAS it appears by messages from His Honor John Morison Gibson, Lieutenant-Governor of the Province of Ontario and the estimates accompanying the same, that the sums hereinafter mentioned in the Schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial period of ten months ending on the 31st day of October, 1909, and for the financial year ending the 31st day of October, 1910, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$7,351,578.21 granted for ten months ending 31st October, 1909.

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Seven million three hundred and fifty-one thousand five hundred and seventy-eight dollars and twenty-one cents, towards defraying the several charges and expenses of the public service of this Province not otherwise provided for, from the first day of January, 1909, to the thirty-first day of October, 1909, as set forth in Schedule "A" to this Act.

$6,508,004.19 granted for fiscal year 1909-10.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole Six million five hundred and eight thousand and four dollars and nineteen cents towards

defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the first day of November, 1909, to the thirty-first day of October, 1910, as set forth in Schedule "B" to this Act.

Accounts to be laid before Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said period of ten months, and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1909-1910 and of all expenditures under Schedule "B" of this Act, shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for 1909 unexpended, to lapse.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1909, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act*, as amended by the Act passed at the present session intituled *An Act respecting the Fiscal Year*, shall on the first day of December following lapse and be written off.

Appropriations for 1909-10 unexpended, to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1910, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall on the first day of December following lapse and be written off.

Accounting for expenditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial period of ten months ending on the thirty-first day of October, one thousand nine hundred and nine, and the purposes for which they are granted :—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto :—		
Lieutenant-Governor's Office	$3,933 34	
Office of the Prime Minister and President of the Council	6,458 35	
Attorney-General's Department	54,057 59	
Education Department	25,666 71	
Lands, Forests and Mines Department	108,717 60	
Public Works Department	48,649 46	
Treasury Department	28,830 23	
Auditor's Office	10,816 70	
Provincial Secretary's Department	135,999 35	
Department of Agriculture	46,794 76	
Miscellaneous	16,800 04	
		$486,724 13

LEGISLATION.

To defray expenses of Legislation	240,966 11

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	556,522 86

EDUCATION.

To defray expenses of :—		
Public and Separate School Education	$881,767 34	
Normal and Model Schools, Toronto	36,316 00	
Normal and Model Schools, Ottawa	38,781 00	
Normal and Model Schools, London	22,228 00	
Normal School, Hamilton	17,018 00	
Normal School, Peterborough	16,968 00	
Normal School, Stratford	17,502 00	
Normal School, North Bay	18,350 00	
High School and Collegiate Institutes	147,000 00	
Departmental Library and Museum	15,931 30	
Public Libraries, Art Schools, Literary and Scientific	55,685 00	
Technical Education	40,200 00	
Superannuated Public and High School Teachers	65,650 00	
Provincial University and Mining Schools	43,215 78	
Maintenance Education Department and Miscellaneous	35,789 00	

Institution for Deaf and Dumb, Belleville	$ 52,114 00	
Blind Institute, Brantford	37,713 00	
		$1,542,228 42

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:		
Hospital for Insane, Brockville	$94,595 00	
Hospital for Insane, Cobourg	23,469 00	
Hospital for Insane, Hamilton	141,354 00	
Hospital for Insane, Kingston	101,660 00	
Hospital for Insane, London	137,824 00	
Hospital for Insane, Mimico	85,956 00	
Hospital for Feeble Minded, Orillia	73,985 00	
Hospital for Insane, Penetanguishene	58,689 00	
Hospital for Insane, Toronto	131,746 00	
Hospital for Epileptics, Woodstock	30,918 00	
Central Prison, Toronto	59,780 00	
Central Prison Industries	54,642 00	
Mercer Reformatory, Toronto	25,102 00	
		$1,019,720 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	$523,287 00

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	$48,943 00

STATIONARY ENGINEERS.

To defray expenses of Stationary Engineers	$4,958 34

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	$345,950 00

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House	$ 20,321 00	
Parliament and Departmental Buildings	74,985 00	
		$ 95,306 00

PUBLIC BUILDINGS.

Osgoode Hall	$39,242 00	
Addition to Parliament Buildings	300,000 00	

Public Institutions :—		
Hospital for Insane, Brockville ..	$ 22,340 00	
Hospital for Insane, Cobourg	3,300 00	
Hospital for Insane, Hamilton....	39,190 00	
Hospital for Insane, Kingston....	17,300 00	
Hospital for Insane, London.....	19,830 00	
Hospital for Insane, Mimico.....	24,000 00	
Hospital for Feeble Minded, Orillia	16,000 00	
Hospital for Insane, Penetanguishene	23,300 00	
Hospital for Insane, Toronto.....	8,000 00	
Hospital for Epileptics, Woodstock	13,050 00	
Central Prison, Toronto	155,500 00	
Mercer Reformatory, Toronto	8,300 00	
Educational :—		
Normal and Model Schools, Toronto.....	13,300 00	
Normal and Model School, Ottawa	7,275 00	
Normal School, London.....	2,000 00	
Normal School, Hamilton	2,200 00	
Normal School, Peterborough.....	4,900 00	
Normal School, Stratford.....	2.700 00	
Normal School, North Bay.....	4,700 00	
Additional Normal Schools	42,800 00	
Deaf and Dumb Institute, Belleville.....	9,950 00	
Institution for the Blind, Brantford.....	10,733 00	
Ontario Agricultural College....	12,700 00	
Union Station Office and Immigration House	73 50	
Fruit Experimental Station	13,070 00	
Winter Fair Building (addition)..	25,000 00	
Hygienic Building, London	32,389 00	
Districts :—		
Muskoka.....	1,462 00	
Parry Sound.....	3,300 00	
Algoma.....	2,225 00	
Thunder Bay.....	3,085 00	
Rainy River.....	2,450 00	
Nipissing	5,900 00	
Manitoulin	1,100 00	
Sudbury	15,104 55	
Kenora	26,200 00	
Total Public Buildings...		$933,969 05

PUBLIC WORKS.

To defray expenses of Public Works	$172,085 49

COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Repairs	$501,654 75

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	$528,059 36

REFUNDS.

Education	$1,000 00	
Crown Lands	17,000 00	
Land Improvement Fund	1,253 70	
Miscellaneous	12,000 00	
		$31,253 70

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	$319,950 00
Total Estimates for Expenditure of 1909	$7,351,578 21

SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, 1910, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office	$4,650 00	
Office of the Prime Minister and President of the Council	7,750 00	
Attorney-General's Department	64,161 00	
Education Department	29,210 00	
Lands, Forests and Mines Department	130,460 00	
Public Works Department	58,300 00	
Treasurer's Department	34,064 00	
Auditor's Office	12,980 00	
Provincial Secretary's Department	160,190 00	
Department of Agriculture	55,970 00	
Miscellaneous	20,100 00	
		$577,835 00

LEGISLATION.

To defray expenses of Legislation		$253,550 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice		665,668 66

EDUCATION.

To defray expenses of:—		
Public and Separate School Education	$962,583 33	
Normal and Model Schools, Toronto	44,120 00	
Normal and Model Schools, Ottawa	43,325 00	
Normal School, London	25,720 00	
Normal School, Hamilton	20,285 00	
Normal School, Peterborough...	20,615 00	
Normal School, Stratford	20,765 00	
Normal School, North Bay.....	22,800 00	
High Schools and Collegiate Institutes	148,900 00	
Departmental Library and Museum	18,500 00	
Public Libraries, Art Schools, Literary and Scientific	60,100 00	
Technical Education	55,200 00	
Superannuated Public and High School Teachers	63,150 00	
Provincial University and Mining Schools	42,200 00	
Maintenance Edcuation Department and Miscellaneous	31,924 00	
Institution for Deaf and Dumb, Belleville	59,348 00	
Blind Institute, Brantford	42,351 00	
		$1,681,886 33

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—		
Hospital for Insane, Brockville	$110,106 00	
Hospital for Insane, Cobourg ...	27,950 00	
Hospital for Insane, Hamilton...	168,727 20	
Hospital for Insane, Kingston...	118,843 00	
Hospital for Insane, London ...	163,700 00	
Hospital for Insane, Mimico ...	101,700 00	
Hospital for Feeble Minded, Orillia	86,717 00	

Hospital for Insane, Penetanguishene	$68,465 00	
Hospital for Insane, Toronto	154,197 00	
Hospital for Epileptics, Woodstock	37,336 00	
Central Prison, Toronto	71,490 00	
Central Prison Industries	64,420 00	
Mercer Reformatory, Toronto	30,225 00	
		$1,203,876 20

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture	$584,838 00

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	$57,800 00

STATIONARY ENGINEERS.

To defray expenses of Stationary Engineers	$5,950 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	$307,950 00

MAINTENANCE AND REPAIRS OF GOVERNMENT AND DEPARTMENTAL BUILDINGS.

Government House	$18,000 00	
Parliament and Departmental Buildings	81,500 00	
		$99,500 00

PUBLIC BUILDINGS.

Addition to Parliament Buildings	$200,000 00	
New Provincial Prison	50,000 00	
Kenora Court House	15,000 00	
Total Public Buildings		$265,000 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	$507,300 00

REFUNDS.

Education	$1,000 00	
Crown Lands	17,000 00	
Miscellaneous	12,000 00	
		$30,000 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	$266,850 00
Total Estimates for Expenditure of 1909-1910	$6,508,004 19

No. 239.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial period of ten months ending on the 31st day of October, 1909, and for the Public Service of the financial year ending the 31st day of October, 1910.

First Reading, 5th April, 1909.
Second Reading, 5th April, 1909.
Third Reading, 5th April, 1909.

Mr. MATHESON.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 240

BILL.

1909

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 93 of *The Municipal Drainage Act*, as amended by section 4 of the Act passed in the 1st year of His Majesty's reign, Chaptered 30, and as amended by section 5 of the Act passed in the 3rd year of His Majesty's reign, Chaptered 22, is repealed and the following section substituted therefor:—

Application to set aside drainage by-law, report, petition or resolution to be made by Referee.

93.—(1) Subject to the provisions of section 93*a*, applications to set aside, declare void or otherwise directly or indirectly to attack the validity of any petition, report of an Engineer, resolution of a Council, by-law provisionally adopted or finally passed relating to a drainage work as hereinbefore defined as well as all proceedings to determine claims and disputes arising between municipalities or between a company and a municipality or between individuals and a municipality, company or individual in the construction, improvement or maintenance of any drainage work under the provisions of this Act or consequent thereon or by reason of negligence or for a mandamus or injunction shall be made to and shall be heard and tried by the Referee who shall hear and determine the same and give his decision and his reasons therefor.

Proceedings to be instituted by notice.

(2) Proceedings for the determination of claims and disputes and for the recovery of damages by reason of negligence or by way of compensation or otherwise or for a mandamus or an injunction under this section shall be instituted by serving 10 clear days' notice setting forth the grounds of the claim for damages or compensation or a mandamus or an injunction as the case may be upon all persons concerned.

Notice to be filed in County Court.

(3) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the County Court of the county in which the land is situate and the notice shall be filed and served within two years from the time the cause of complaint arose.

Affidavits to be filed 10 days before motion.

(4) All affidavits intended to be used in support of a motion shall be filed with the Clerk of the County Court not less than 10 days before the return day of the motion.

Application not to be made otherwise.

(5) Subject to the provisions of section 93*a*, no application or proceeding within the meaning of this section shall be made or instituted otherwise than as therein provided.

Costs on claims not exceeding $60 on Division Court scale.

(6) Where the amount awarded upon a claim for damages arising out of a drainage work does not exceed $60, the costs allowed to the plaintiff shall be on the Division Court scale so far as the same is applicable. 3 Edw. VII. chap. 22, sec. 5.

2. The following section is added as section 93*a*:—

Actions may be transferred to Referee.

93*a*.—(1) Where an action is brought or is pending and the Court in which the same is brought or is pending or a Judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that the same may be more conveniently tried before and disposed of by the Referee, the Court or Judge may, on the application of either party, at any stage of the action make an order transferring it to the Referee on such terms as may be deemed just, and the Referee shall thereafter give directions for the continuance of the action before him, which shall be as far as practicable in conformity with the provisions of this Act as to proceedings by a notice of motion, and subject to the order, all costs shall be in his discretion.

Application of section.

(2) This section shall apply only where the action is brought within the period limited by this Act for taking proceedings by notice of motion.

2 Edw. VII. c. 32, s. 34 repealed.

3. Section 4 of the Act passed in the 2nd year of His Majesty's reign, Chaptered 32, is hereby repealed.

4. Subsection 6 of section 9 of *The Municipal Drainage Act* is amended by inserting after the word "and" in the 7th line the words "the referee may hear and determine the appeal in a summary manner either on his own view of the premises and after hearing the parties and if he sees fit their witnesses or he may direct that."

5. The said Act is further amended by adding thereto the following section: —

The council may at any time before the final passing of the by-law if it appears that there are or may be errors in the report or assessment of the engineer or that for any other reason the report or assessment should be re-considered refer the report back to him for reconsideration, and the engineer may thereupon re-consider his report and assessment and shall report to the council and the report shall have the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as on the original report or assessment and it shall not be necessary that the engineer shall make any further oath or declaration.

No. 240.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend the Municipal Drainage Act.

First Reading, 6th April, 1909.

Mr. HANNA.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 241 **BILL.** 1909

An Act to amend The Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Act to regulate the speed and operation of Motor Vehicles on Highways* is hereby amended as follows:

(1) By inserting before section 1 the following:

1*a*. This Act may be cited as *The Motor Vehicles Act.*

(2) By adding the following subsection to section 2 (*a*):

A license must be produced by any person driving a motor vehicle for hire, pay or gain when demanded by a peace officer, as defined by the *Criminal Code.*

(3) By inserting after section 9 the following:

9*a*. No motor vehicle shall pass or attempt to pass at a greater rate of speed than four miles an hour a street car, which is stationary for the purpose of taking on or discharging passengers.

(4) By striking out section 19 and inserting in lieu thereof the following:

19.—(1) Any person violating any of the provisions of sections 3, 8 or 11 of this Act shall upon summary conviction be liable for the first offence to a fine of $50 or one week's imprisonment or both; for the second offence to a fine of $100 or one month's imprisonment or both, and for the third offence or any subsequent offence to imprisonment not exceeding six months.

(2) For the purpose of a second, third or subsequent conviction under the provisions of this section or section 19*a*, a copy of the return of a prior conviction made by the convicting Police Magistrate or Justice of the Peace under the provisions of section 19*b* of this Act, certified by the Provincial Secretary or Assistant Provincial Secretary under the Seal of the Provincial Secretary, shall be *prima facie* evidence of such prior conviction.

(3) On a charge for a second, third or subsequent offence under this section or section 19*a* conviction need not be shewn to be against the same section and any conviction for an offence against sections 3, 8 or 11 shall be deemed to be a prior conviction.

(5) By inserting as section 19*a* thereof the following:

19*a*.—(1) Any Police Magistrate or Justice of the Peace before whom a person is convicted of an offence under this Act: (*a*) May, if the person convicted is required to hold a license under section 2*a* of the Act and does not hold such license declare him disqualified for such time as the said Police Magistrate or Justice of the Peace thinks fit and shall so report with the certificate of the conviction to the Provincial Secretary and (*b*) If the person convicted holds a license issued under section 2*a* of this Act, shall cause particulars of the conviction, if it be against the provisions of sections 2*a*, 3, 4, 7, 8, 9, 10, 10*a* and 11 of this Act to be endorsed upon such license and in the event of such conviction being a third conviction, shall confiscate such license and the badge issued therewith and shall forward the same with the certificate of the conviction to the Provincial Secretary.

(2) Any person so convicted if he holds a license issued under section 2*a* of this Act shall produce the license within a reasonable time for the purpose of endorsement and if he fails to do so shall be guilty of an offence under this Act.

(6) By inserting as section 19*b* thereof the following:

19*b*. A Police Magistrate or Justice of the Peace who shall make a conviction under this Act shall forthwith certify the same to the Provincial Secretary, setting out the name, address and

description of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the number of the section of the Act contravened and the time it was committed, and if such offence was committed by a person licensed under section 2*a* hereof, the number of such license and the name, address and description of his employer, and if three such convictions against the provisions of sections 3, 8 or 11 are made against the same person the permit of the motor vehicle whereby the offence on which such third conviction was made, was committed, or the license issued under section 2*a* hereof, may be cancelled and the offender shall not be entitled to a permit or license under this Act for a period of two years thereafter.

(2) Such Police Magistrate or Justice of the Peace shall be entitled to add to the costs of the conviction the sum of twenty-five cents as and for his costs of the said certificate to the Provincial Secretary.

(7) By inserting as section 19 (*c*) thereof the following:

19*c*. In the event of a third or subsequent conviction as aforesaid, the motor vehicle driven by the person so convicted at the time of committing the act of which he was convicted, shall be seized, impounded and taken into the custody of the law for a period of three months. Thereupon such motor vehicle shall be stored where the convicting Magistrate or Justice of the Peace shall determine and all costs and charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by section 51 of the *Mechanics' Lien Act*, being Chapter 153 of the Revised Statutes of Ontario. Provided, however, that if the person so convicted shall give sufficient assurance to such convicting Police Magistrate or Justice of the Peace by bond, recognizance or otherwise, that such motor vehicle shall not be operated upon the public highways during the period of impoundment, the same may be delivered to the person so convicted. In such event, if such motor vehicle is operated upon the public highways during the said period, it shall be deemed to be operated without a permit.

(8) By inserting as section 19*d* thereof the following:

19*d*. In the event of the employer of a person driving a motor vehicle for hire, pay or gain being present in a motor vehicle at the time of any offence against this Act being committed, such employer as well as the driver shall be liable to conviction for such offence.

(9) Section 20 of the said Act is hereby amended by striking out the words "less than $10 or" where they occur therein.

No. 241.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Act to Regulate the Speed and Operation of Motor Vehicles on Highways.

First Reading, 6th April, 1909.

Mr. HANNA.

TORONTO:
PRINTED BY L. K. CAMERON,
Printer to the King's Most Excellent Majesty.

No. 243 **BILL.** 1909

An Act to amend the Statute Law Amendment Act, 1909.

HIS MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. Section 17 of the Act passed during the present session intituled *The Statute Law Amendment Act, 1909*, is amended by adding thereto the following subsection :

(2) This section shall not apply to pending litigation or to cases which have been finally determined prior to the passing thereof.

2. The amendment made by section 1 shall be incorporated in the said Act in the annual volume of the Statutes.

No. 243.

1st Session, 12th Legislature,
9 Edward VII., 1909.

BILL.

An Act to amend The Statute Law Amendment Act, 1909.

First Reading, 13th April, 1909.
Second Reading, 13th April, 1909.
Third Reading, 13th April, 1909.

Mr. Foy.

TORONTO:
Printed by L. K. Cameron,
Printer to the King's Most Excellent Majesty.